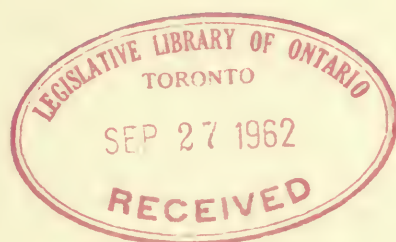


Qnt.
Gov. F

122654



LEGISLATIVE ASSEMBLY OF ONTARIO

THIRD SESSION OF THE
TWENTY-SIXTH PARLIAMENT

122654

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

NOVEMBER 22nd to DECEMBER 15th, 1961
and
FEBRUARY 20th to APRIL 18th, 1962

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THIRD SESSION, TWENTY-SIXTH PARLIAMENT

November 22nd to December 15th, 1961

and

February 20th to April 18th, 1962

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THE HISTORY OF THE
 UNITED STATES OF AMERICA

THE HISTORY OF THE UNITED STATES OF AMERICA

THE HISTORY OF THE UNITED STATES OF AMERICA



BILL 70

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Agricultural Societies Act

MR. STEWART

EXPLANATORY NOTE

Under the present Act, grant moneys cannot be divided until all statements from all societies are received by the Superintendent of Agricultural Societies. The amendment provides for the payment of grants on a specific basis as the statements are received by the Superintendent.

BILL 70

1961-62

An Act to amend The Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Agricultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 11, s. 24,
subs. 1,
re-enacted

(1) Grants shall be paid to societies out of moneys Payment
of grants appropriated for the purpose by the Legislature, except the moneys appropriated under sections 25 and 26, according to the following plan:

1. A newly-organized¹ society, during the first three years of its existence, shall receive a grant each year equal to \$1 per member up to 300 members.
2. Where a society complies with subsection 3 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-half the sum expended by the society, as shown by the statement of its expenditures, for the display or competition, but in no case shall the grant be more than \$200 for a display or more than \$75 for a competition.
3. Where a society complies with subsections 1 and 2 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-third of the average amount expended by the society during the three preceding years for agricultural purposes, as shown in the statements forwarded to the Superintendent, but,

- i. societies in provisional judicial districts shall receive their grants on the basis of double the amount of other societies, and
- ii. no society shall in any year receive a grant in excess of \$1,500.

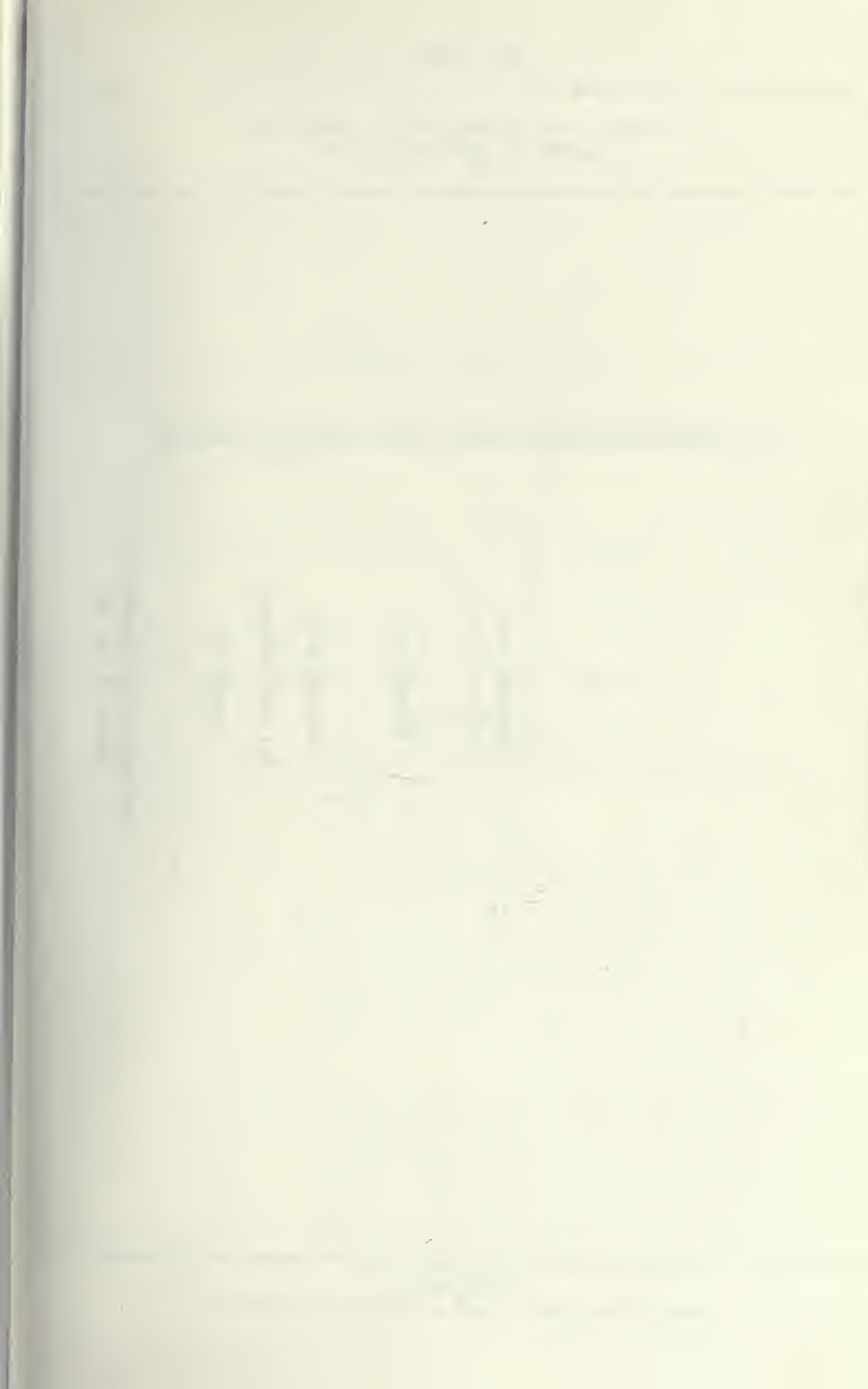
Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Agricultural Societies Amendment Act, 1961-62*.





BILL 70

An Act to amend
The Agricultural Societies Act

1st Reading

February 21st, 1962

2nd Reading

3rd Reading

MR. STEWART

BILL 70

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Agricultural Societies Act

MR. STEWART

TORONTO

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BILL 70

1961-62

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ii. no society shall in any year receive a grant in excess of \$1,500.

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Short title

3. This Act may be cited as *The Agricultural Societies Amendment Act, 1961-62*.





An Act to amend
The Agricultural Societies Act

1st Reading

February 21st, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 20th, 1962

MR. STEWART

BILL 71

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Training Schools Act

MR. HASKETT

EXPLANATORY NOTE

The amendment gives The Training Schools Advisory Board more freedom and flexibility in its method of supervising wards who are living outside the training school.

BILL 71

1961-62

An Act to amend The Training Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 21 of *The Training Schools Act* ^{R.S.O. 1960, c. 404, s. 21, subs. 3, amended} is amended by striking out "and provide for such visits" in the fifth line and by adding at the end thereof "and shall provide for visits and reports by a member of the rehabilitation staff of the Department", so that the subsection shall read as follows:

- (3) The Board shall exercise and maintain supervision ^{Supervision after leaving school} over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records as may be prescribed by the regulations, and shall provide for visits and reports by a member of the rehabilitation staff of the Department.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Training Schools Amend-* ^{Short title} *ment Act, 1961-62.*

BILL 71

An Act to amend
The Training Schools Act

1st Reading

February 21st, 1962

2nd Reading

3rd Reading

MR. HASKETT

BILL 71

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Training Schools Act

MR. HASKETT

BILL 71

1961-62

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2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Training Schools Amend-* ^{Short title} *ment Act, 1961-62.*

BILL 71

An Act to amend
The Training Schools Act

1st Reading

February 21st, 1962

2nd Reading

February 27th, 1962

3rd Reading

March 12th, 1962

MR. HASKETT

BILL 72

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to provide for the Approval of Impartial Referees and Arbitrators

MR. ROBERTS

EXPLANATORY NOTE

This Bill proposes a new Act. It is self-explanatory. It is designed to provide a pool of impartial referees and arbitrators.

BILL 72

1961-62

An Act to provide for the Approval of Impartial Referees and Arbitrators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Board" means the Board of Supervisors ^{Interpre-}
of Approved Impartial Referees and Arbitrators. ^{tation}

2. There shall be a Board of Supervisors of Approved ^{Board}
Impartial Referees and Arbitrators composed of the Chief
Justice of the High Court and two other members to be
appointed by the Lieutenant Governor in Council.

3.—(1) The Board may issue its approval as an impartial ^{Approval}
referee and arbitrator to any person whom it deems suitable.

(2) In issuing its approval, the Board may restrict such ^{Idem}
approval to any subject-matter which it may specify.

4.—(1) A person who has been so approved may describe ^{Use of}
himself as an "Approved Impartial Referee and Arbitrator" and ^{A.I.R.A.}
may use the designation "A.I.R.A.", and a person who is not
so approved shall not so describe himself or use such designa-
tion nor shall he permit himself to be so described or designated.

(2) Every person who contravenes any of the provisions of ^{Offence}
subsection 1 is guilty of an offence and on summary conviction
is liable to a fine of not more than \$100.

5.—(1) The Board may, after a hearing which may be ^{Suspension,}
either public or *in camera* as it deems proper, suspend or re- ^{etc.}
voke its approval.

(2) There shall be a verbatim record of every such hearing. ^{Record}

(3) Where the Board suspends or revokes its approval of ^{Appeal}
any person, such person may appeal to the Court of Appeal,
and, if the Court of Appeal finds, upon the record or upon
other evidence admitted by its special leave, that there has

been a denial of natural justice occasioned by the action of the Board, the court may make such order as it deems fit, and all the processes of the Supreme Court shall be available for the enforcement thereof.

Regulations

6. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the form of and governing the procedure for applications for approval;
- (b) providing for the issue and surrender of certificates of approval;
- (c) prescribing the fees payable upon applications for approval;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Expenses
and
income

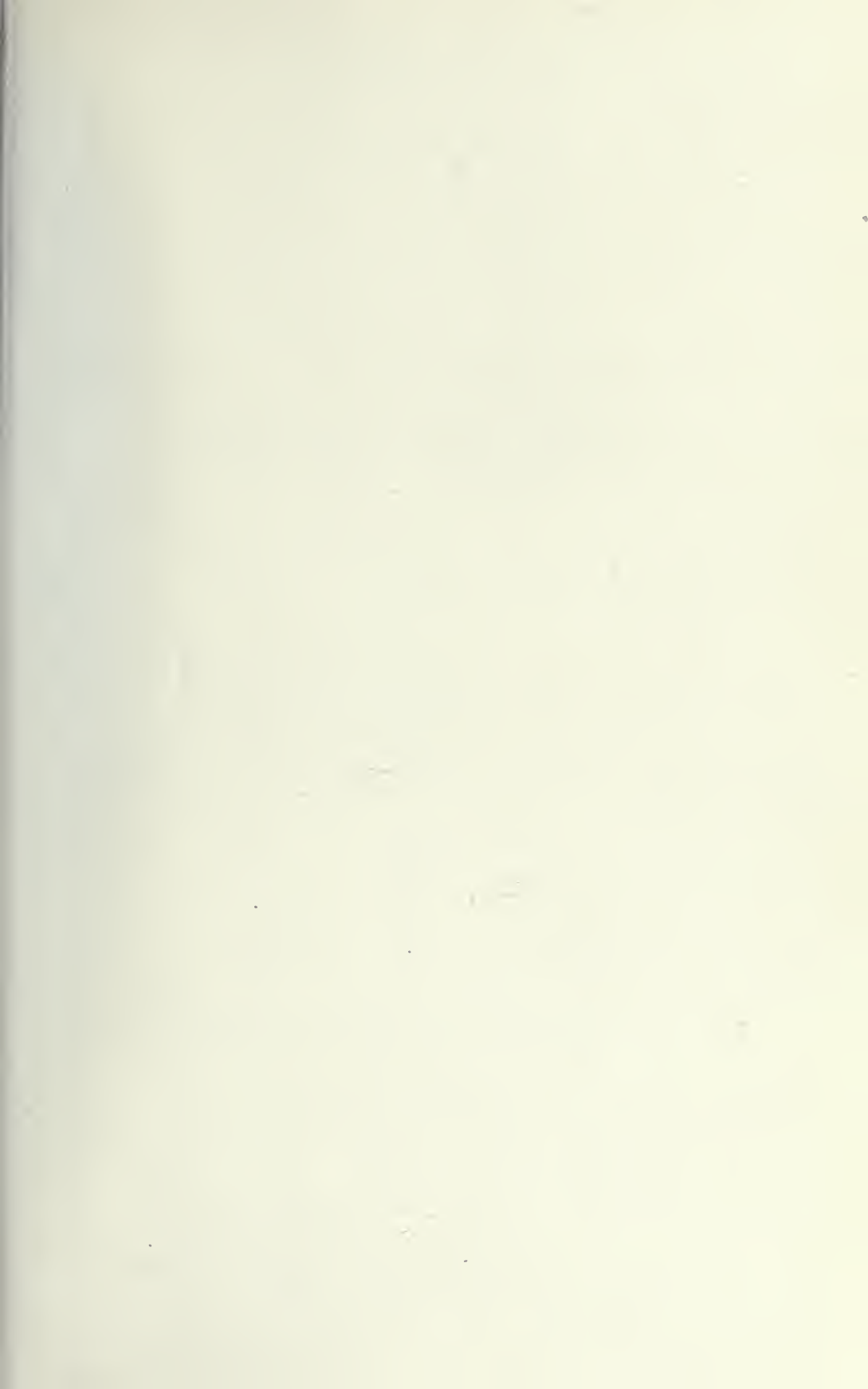
7. The expenses involved in the administration of this Act shall be paid out of the moneys that are appropriated therefor by the Legislature and any income of the Board shall form part of the Consolidated Revenue Fund.

Commence-
ment

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Approved Impartial Referees and Arbitrators Act, 1961-62*.



An Act to provide for the Approval of
Impartial Referees and Arbitrators

1st Reading

February 23rd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 72

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to provide for the Approval of Impartial Referees and Arbitrators

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

THE ACT TO PROVIDE FOR THE
 REFERENCE OF DISPUTES

AN ACT TO PROVIDE FOR THE
 REFERENCE OF DISPUTES

EXPLANATORY NOTE

This Bill proposes a new Act. It is self-explanatory. It is designed to provide a pool of impartial referees and arbitrators.



(Signed by the Minister of Justice)

BILL 72

1961-62

An Act to provide for the Approval of Impartial Referees and Arbitrators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Board" means the Board of Supervisors ^{Interpre-}
of Approved Impartial Referees and Arbitrators.

2. There shall be a Board of Supervisors of Approved ^{Board}
Impartial Referees and Arbitrators composed of the Chief Justice of the High Court and two other members to be appointed by the Lieutenant Governor in Council.

3.—(1) The Board may issue its approval as an impartial ^{Approval}
referee and arbitrator to any person whom it deems suitable.

(2) In issuing its approval, the Board may restrict such ^{Idem}
approval to any subject-matter which it may specify.

4.—(1) A person who has been so approved may describe ^{Use of}
himself as an "Approved Impartial Referee and Arbitrator" and ^{A.I.R.A.}
may use the designation "A.I.R.A.", and a person who is not so approved shall not so describe himself or use such designation nor shall he permit himself to be so described or designated.

(2) Every person who contravenes any of the provisions of ^{Offence}
subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

5.—(1) The Board may, after a hearing which may be ^{Suspension,}
either public or *in camera* as it deems proper, suspend or re- ^{etc.}
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(2) There shall be a verbatim record of every such hearing. ^{Record}

(3) Where the Board suspends or revokes its approval of ^{Appeal}
any person, such person may appeal to the Court of Appeal, and, if the Court of Appeal finds, upon the record or upon other evidence admitted by its special leave, that there has

been a denial of natural justice occasioned by the action of the Board, the court may make such order as it deems fit, and all the processes of the Supreme Court shall be available for the enforcement thereof.

Regulations

6. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the form of and governing the procedure for applications for approval;
- (b) providing for the issue and surrender of certificates of approval;
- (c) prescribing the fees payable upon applications for approval;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Expenses
and
income

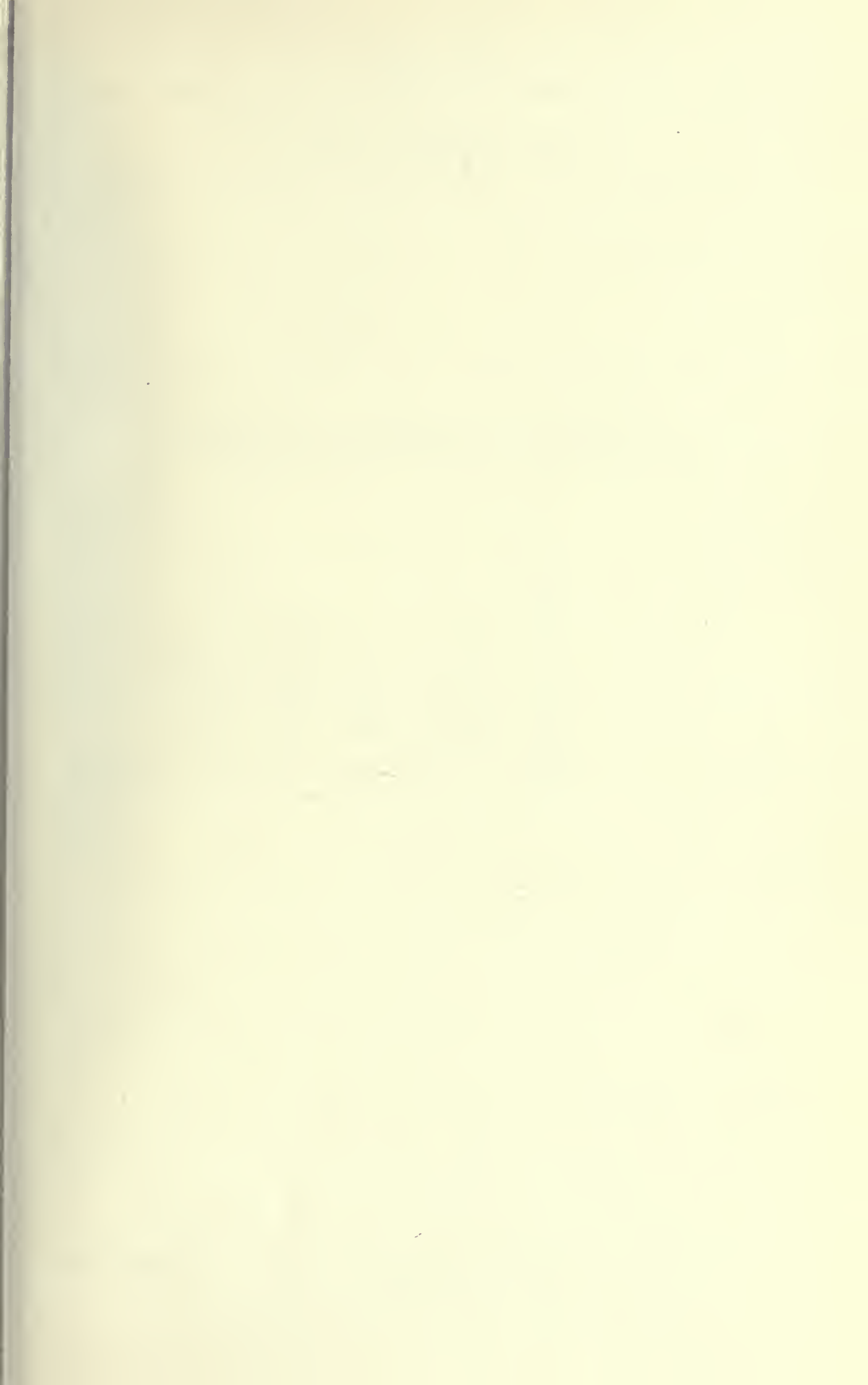
7. The expenses involved in the administration of this Act shall be paid out of the moneys that are appropriated therefor by the Legislature and any income of the Board shall form part of the Consolidated Revenue Fund.

Commence-
ment

8. This Act comes into force on a day after the 1st day of April, 1963, to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Approved Impartial Referees and Arbitrators Act, 1961-62*.



BILL 72

An Act to provide for the Approval of
Impartial Referees and Arbitrators

1st Reading

February 23rd, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 72

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to provide for the Approval of Impartial Referees and Arbitrators

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 72

1961-62

An Act to provide for the Approval of Impartial Referees and Arbitrators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Board" means the Board of Supervisors ^{Interpre-}
of Approved Impartial Referees and Arbitrators.

2. There shall be a Board of Supervisors of Approved ^{Board}
Impartial Referees and Arbitrators composed of the Chief
Justice of the High Court and two other members to be
appointed by the Lieutenant Governor in Council.

3.—(1) The Board may issue its approval as an impartial ^{Approval}
referee and arbitrator to any person whom it deems suitable.

(2) In issuing its approval, the Board may restrict such ^{Idem}
approval to any subject-matter which it may specify.

4.—(1) A person who has been so approved may describe ^{Use of}
himself as an "Approved Impartial Referee and Arbitrator" and ^{A.I.R.A.}
may use the designation "A.I.R.A.", and a person who is not
so approved shall not so describe himself or use such designa-
tion nor shall he permit himself to be so described or designated.

(2) Every person who contravenes any of the provisions of ^{Offence}
subsection 1 is guilty of an offence and on summary conviction
is liable to a fine of not more than \$100.

5.—(1) The Board may, after a hearing which may be ^{Suspension,}
either public or *in camera* as it deems proper, suspend or re- ^{etc.}
voke its approval.

(2) There shall be a verbatim record of every such hearing. ^{Record}

(3) Where the Board suspends or revokes its approval of ^{Appeal}
any person, such person may appeal to the Court of Appeal,
and, if the Court of Appeal finds, upon the record or upon
other evidence admitted by its special leave, that there has

been a denial of natural justice occasioned by the action of the Board, the court may make such order as it deems fit, and all the processes of the Supreme Court shall be available for the enforcement thereof.

Regulations **6.** Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the form of and governing the procedure for applications for approval;
- (b) providing for the issue and surrender of certificates of approval;
- (c) prescribing the fees payable upon applications for approval;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Expenses and income **7.** The expenses involved in the administration of this Act shall be paid out of the moneys that are appropriated therefor by the Legislature and any income of the Board shall form part of the Consolidated Revenue Fund.

Commence-ment **8.** This Act comes into force on a day after the 1st day of April, 1963, to be named by the Lieutenant Governor by his proclamation.

Short title **9.** This Act may be cited as *The Approved Impartial Referees and Arbitrators Act, 1961-62*.

An Act to provide for the Approval of
Impartial Referees and Arbitrators

1st Reading

February 23rd, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 73

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Police Act

MR. ROBERTS

EXPLANATORY NOTE

At the present time, boards of commissioners of police are composed of the head of the council, a county or district court judge designated by the Lieutenant Governor in Council, and a third member designated by the Lieutenant Governor in Council.

The purpose of this Bill is to authorize the Lieutenant Governor in Council to designate any two persons as members.

BILL 73

1961-62

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *b* and *c* of subsection 2 of section 7 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 7, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(b) two persons designated by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 7 is amended by striking out “judge or person, as the case may be” in the sixth line and inserting in lieu thereof “person”, so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 7, subs. 3, amended

(3) Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other person to act as a member of the board for a period of two months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member. Vacancies

2. Clauses *b* and *c* of subsection 2 of section 8 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(b) two persons designated or appointed in the manner provided in section 7.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Police Amendment Act, 1961-62* (No. 2). Short title

An Act to amend The Police Act

1st Reading

February 23rd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 73

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Police Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

RECEIVED BY THE SECRETARY OF THE
TREASURY DEPARTMENT

RECEIVED BY THE SECRETARY OF THE
TREASURY DEPARTMENT

EXPLANATORY NOTE

At the present time, boards of commissioners of police are composed of the head of the council, a county or district court judge designated by the Lieutenant Governor in Council, and a third member designated by the Lieutenant Governor in Council.

The purpose of this Bill is to authorize the Lieutenant Governor in Council to designate any two persons as members.

RECEIVED BY THE SECRETARY OF THE
TREASURY DEPARTMENT

RECEIVED BY THE SECRETARY OF THE
TREASURY DEPARTMENT

BILL 73

1961-62

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *b* and *c* of subsection 2 of section 7 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 7, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(*b*) two persons designated by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 7 is amended by striking out "judge or person, as the case may be" in the sixth line and inserting in lieu thereof "person", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 7, subs. 3, amended

(3) Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other person to act as a member of the board for a period of two months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member. Vacancies

2. Clauses *b* and *c* of subsection 2 of section 8 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(*b*) two persons designated or appointed in the manner provided in section 7.

3. This Act comes into force on a day after the 1st day of April, 1963, to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Police Amendment Act*, Short title 1961-62 (No. 2).

An Act to amend The Police Act

1st Reading

February 23rd, 1962

2nd Reading

February 27th, 1962

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 73

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Police Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 73

1961-62

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *b* and *c* of subsection 2 of section 7 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 7, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(b) two persons designated by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 7 is amended by striking out "judge or person, as the case may be" in the sixth line and inserting in lieu thereof "person", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 7, subs. 3, amended

(3) Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other person to act as a member of the board for a period of two months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member. Vacancies

2. Clauses *b* and *c* of subsection 2 of section 8 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(b) two persons designated or appointed in the manner provided in section 7.

3. This Act comes into force on a day after the 1st day of April, 1963, to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Police Amendment Act*, Short title 1961-62 (No. 2).

An Act to amend The Police Act

1st Reading

February 23rd, 1962

2nd Reading

February 27th, 1962

3rd Reading

April 18th, 1962

Mr. ROBERTS

BILL 74

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Bees Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment is for the purpose of clarification. There is no change in principle.

Subsection 2. The amendment prohibits persons in urban municipalities from placing hives containing bees within 100 feet of a property line that separates the lands on which the hives are placed from lands occupied by a dwelling or used for public recreation or assembly.

BILL 74

1961-62

An Act to amend The Bees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 19 of *The Bees Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 33, s. 19,
subs. 1,
re-enacted

(1) No person in a place other than an urban municipality shall place or leave hives containing bees within thirty feet of a highway, dwelling or cultivated field. Location
of hives

(2) The said section 19 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 33, s. 19,
amended

(3) No person in an urban municipality shall place or leave hives containing bees within 100 feet of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation. Location
of hives
in urban
municipalities

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Bees Amendment Act*, 1961-62. Short title

An Act to amend The Bees Act

1st Reading

February 27th, 1962

2nd Reading

3rd Reading

MR. STEWART

BILL 74

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Bees Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE TEMPLE OF VENUS AND ADONIS
AT THE ACROPOLIS OF ATHENS

THE TEMPLE OF VENUS AND ADONIS

THE TEMPLE OF VENUS AND ADONIS

BILL 74

1961-62

An Act to amend The Bees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 19 of *The Bees Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 33, s. 19, subs. 1, re-enacted

(1) No person in a place other than an urban municipality shall place or leave hives containing bees within thirty feet of a highway, dwelling or cultivated field. Location of hives

(2) The said section 19 is amended by adding thereto the following subsection: R.S.O. 1960, c. 33, s. 19, amended

(3) No person in an urban municipality shall place or leave hives containing bees within 100 feet of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation. Location of hives in urban municipalities

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Bees Amendment Act*, 1961-62. Short title

An Act to amend The Bees Act

1st Reading

February 27th, 1962

2nd Reading

March 1st, 1962

3rd Reading

March 20th, 1962

MR. STEWART

BILL 75

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Co-operative Loans Act

MR. STEWART

EXPLANATORY NOTE

The new section 11*a* extends the application of the Act to a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years.

BILL 75

1961-62

An Act to amend The Co-operative Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Co-operative Loans Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 67,
amended

11a. Where a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years applies to the Board for a loan or a guarantee of loan and the value of the real property of the co-operative association is less than 50 per cent of the value of the loan, the Lieutenant Governor in Council may extend the application of this Act to the co-operative association upon such terms as he deems proper, and in any such case the lease shall be deemed to be real property for the purposes of this Act. Extension
of Act

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Co-operative Loans Amendment Act, 1961-62*. Short title

An Act to amend
The Co-operative Loans Act

1st Reading

February 27th, 1962

2nd Reading

3rd Reading

MR. STEWART

BILL 75

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Co-operative Loans Act

MR. STEWART

BILL 75

1961-62

An Act to amend The Co-operative Loans Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Co-operative Loans Act* is amended by adding thereto the following section: R.S.O. 1960
c. 67,
amended

11a. Where a co-operative association that has erected a building or other structure on lands owned by a railway company and entered into a lease of the lands for a term of at least twenty years applies to the Board for a loan or a guarantee of loan and the value of the real property of the co-operative association is less than 50 per cent of the value of the loan, the Lieutenant Governor in Council may extend the application of this Act to the co-operative association upon such terms as he deems proper, and in any such case the lease shall be deemed to be real property for the purposes of this Act. Extension
of Act

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Co-operative Loans Amendment Act, 1961-62*. Short title

An Act to amend
The Co-operative Loans Act

1st Reading

February 27th, 1962

2nd Reading

March 1st, 1962

3rd Reading

March 20th, 1962

MR. STEWART

BILL 76

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Horticultural Societies Act

MR. STEWART

EXPLANATORY NOTE

Under the present Act, grant moneys cannot be divided until all statements from all societies are received by the Minister. The amendment provides for the payment of grants on a specific basis as the statements are received by the Minister.

BILL 76

1961-62

An Act to amend The Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Horticultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 175, s. 19,
re-enacted

19. Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature according to the following plan: Payment
of grants

1. Every society shall, during the first year of its existence, receive a grant amounting to 50 cents for every paid-up member as of the 1st day of July, but no such grant shall exceed \$75.

2. Every society that has been in existence for more than one year shall receive a grant amounting to,

(a) 25 cents for every paid-up member during the previous year; and

(b) one-quarter of the total amount expended by the society during the preceding year for horticultural purposes, in accordance with section 9,

but no such grant shall exceed \$500.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Horticultural Societies Amendment Act, 1961-62*. Short title

An Act to amend
The Horticultural Societies Act

1st Reading

February 27th, 1962

2nd Reading

3rd Reading

MR. STEWART

BILL 76

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Horticultural Societies Act

MR. STEWART

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BILL 76

1961-62

An Act to amend The Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Horticultural Societies Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 175, s. 19,
re-enacted

19. Grants shall be paid to societies out of moneys appropriated for the purpose by the Legislature according to the following plan: Payment
of grants

1. Every society shall, during the first year of its existence, receive a grant amounting to 50 cents for every paid-up member as of the 1st day of July, but no such grant shall exceed \$75.
2. Every society that has been in existence for more than one year shall receive a grant amounting to,
 - (a) 25 cents for every paid-up member during the previous year; and
 - (b) one-quarter of the total amount expended by the society during the preceding year for horticultural purposes, in accordance with section 9,

but no such grant shall exceed \$500.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Horticultural Societies Amendment Act, 1961-62*. Short title

An Act to amend
The Horticultural Societies Act

1st Reading

February 27th, 1962

2nd Reading

March 1st, 1962

3rd Reading

March 20th, 1962

MR. STEWART

BILL 77

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Water Resources Commission Act

MR. CASS

EXPLANATORY NOTES

SECTION 1. "Sewage works" and "water works" are redefined to include all works pertaining to sewage and water works subject to the exemptions in sections 30 and 31. See sections 8 and 9 of this Bill.

SECTION 2. The new section is to make it clear that a municipality has authority to enter into agreements with the Commission with respect to the supply of water and the disposal of sewage under section 16 in addition to agreements with respect to projects under section 39. Certain provisions that are applicable to project agreements are made applicable to agreements under section 16.

SECTION 3. The amendment corrects a typographical error.

BILL 77

1961-62

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *q* and *r* of section 1 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 281, s. 1,
cls. *q*, *r*,
re-enacted

(*q*) "sewage works" means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *e* of subsection 1 of section 47 apply;

(*r*) "water works" means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *e* of subsection 1 of section 47 apply.

2. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 281,
amended

16a. Any municipality may enter into agreements with the Commission under clause *d* of subsection 1 of section 16, and subsections 4 to 8 of section 39, section 41 and subsection 6 of section 42 apply *mutatis mutandis* to such agreements. Agreements
under
section 16

3. Section 17 of *The Ontario Water Resources Commission Act* is amended by striking out "of" where it occurs the first time in the fourth line and inserting in lieu thereof "or", so that the section shall read as follows: R.S.O. 1960,
c. 281, s. 17,
amended

17. The Commission may for its purposes exercise any or all of the powers that are conferred by any general Municipal
powers

Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works.

R.S.O. 1960,
c. 281, s. 20,
amended

4. Section 20 of *The Ontario Water Resources Commission Act* is amended by striking out "of Canada" in the third line and inserting in lieu thereof "or a Province of Ontario Savings Office", so that the section shall read as follows:

Deposit and
investment
of moneys

20. Without limiting sections 43, 44 and 45, the Commission shall deposit any moneys in its hands in accounts in one or more chartered banks or a Province of Ontario Savings Office or with the Treasurer of Ontario and may in its discretion invest any such moneys in bonds, debentures or other securities of or guaranteed by Canada or any province of Canada or the United Kingdom or in securities of the United States of America.

R.S.O. 1960,
c. 281, s. 27,
subs. 1,
re-enacted

5. Subsection 1 of section 27 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Discharge
of polluting
material
prohibited

(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. b,
amended

6.—(1) Clause *b* of subsection 2 of section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by striking out "first" in the third line, so that the clause shall read as follows:

(b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after this section comes into force; or

.

R.S.O. 1960,
c. 281, s. 28a
(1960-61,
c. 71, s. 3),
amended

(2) The said section 28a is amended by adding thereto the following subsection:

SECTION 4. The amendment authorizes the Commission to deposit moneys in the Province of Ontario Savings Office as well as in chartered banks.

SECTION 5. The amendment is for the purpose of clarification. There is no change in principle.

SECTION 6—Subsection 1. The amendment will make the provision respecting the taking of water applicable to portable means of taking water whether or not they were used before the provision came into force.

Subsection 2. The amendment provides a penalty for the taking of water contrary to section 28a and contrary to the conditions of a permit issued by the Commission.

SECTION 7. The new section is to regulate the addition of substances to water for the purpose of killing or controlling plants, insects, etc., in the water.

SECTION 8. The new subsection 6 exempts certain water works from the provisions requiring the submission of plans to and the approval of the Commission with respect to a proposed work.

- (5) Every person who contravenes subsection 2 or any ^{Offence} of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for every day the contravention continues.

7. *The Ontario Water Resources Commission Act* is amended ^{R.S.O. 1960, c. 281, amended} by adding thereto the following section:

28b.—(1) No person shall add any substance to the ^{Addition of substances to water regulated} water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse for the purpose of killing or affecting plants, snails, insects, fish or other living matter or thing therein without a permit issued by the Commission.

- (2) Subsection 1 does not apply to any person or to ^{Application of subs. 1} substances or any quantity or concentration thereof exempted from the application of subsection 1 by the regulations made under this Act.

- (3) The Commission may in its discretion issue, refuse ^{Permit} to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper, and may alter the terms and conditions of a permit after it is issued.

- (4) Every person who contravenes subsection 1 or any ^{Offence} of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

8. Section 30 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection: ^{R.S.O. 1960, c. 281, s. 30, amended}

- (6) Subsections 1 and 2 do not apply, ^{Application}

- (a) to a water works to be used only for supplying water, for agricultural, commercial or industrial purposes, that is not required under any Act or regulation to be fit for human consumption;
- (b) to a water works not capable of supplying water at a rate greater than 10,000 gallons per day;
- (c) to a privately-owned water works to be used to supply water only for five or fewer private residences; and

- (d) to such water works as may be exempted therefrom by regulations made under this Act.

R.S.O. 1960,
c. 281, s. 31,
amended

9. Section 31 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

Application

(4) This section does not apply,

- (a) to a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (b) to a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;
- (c) to a privately-owned sewage works serving only five or fewer private residences;
- (d) to a sewage works the main purpose of which is to drain agricultural lands;
- (e) to a drainage work under *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*;
- (f) to such sewage works as may be exempted therefrom by regulations made under this Act;

but this section does apply to a sewage works for the distribution of sewage on the surface of the ground for the purpose of disposing of the sewage.

R.S.O. 1960,
c. 281, s. 32,
subss. 1, 2,
re-enacted

10.—(1) Subsections 1 and 2 of section 32 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

Extension of
sewage works
into another
municipality,
etc.

- (1) Where any municipality contemplates extending its sewage works into another municipality or other municipalities or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of each other municipality concerned and to such other persons and in such manner as the Commission may direct.

SECTION 9. The new subsection 4 exempts certain sewage works from the provisions requiring the submission of plans to and the approval of the Commission with respect to a proposed work.

SECTION 10. The amendments authorize the extension of municipal sewage works into territory without municipal organization and provide that a hearing may be held by one member of the Commission instead of by two as is now the case.

SECTION 11. The words struck out are now obsolete as recitals are no longer required in debenture by-laws.

SECTION 12. The amendment authorizes the Commission to deposit moneys in the Province of Ontario Savings Office as well as in chartered banks.

- (2) Any public hearing required by this section may be ^{Hearing} held by any member of the Commission and he shall report thereon to the Commission.

(2) Subsection 3 of the said section 32 is amended by in- ^{R.S.O. 1960,}serting after "municipalities" in the fourth line "or territory ^{c. 281, s. 32,} without municipal organization" and by inserting after ^{subs. 3,}"municipalities" in the sixth line "or territory", so that the ^{amended} subsection shall read as follows:

- (3) Where the Commission has given its approval under ^{Powers of} section 31 to an extension under subsection 1, the ^{municipality} municipality undertaking the extension may enter ^{after} upon, take and use such lands in such other municip- ^{approval}ality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 83 of subsection 1 of section 379 of *The Municipal Act* does not ^{R.S.O. 1960,} apply. ^{c. 249}

11. Subsection 4 of section 39 of *The Ontario Water Resources Commission Act* is amended by striking out "and no indebtedness of the Commission and no indebtedness of a municipality to the Commission shall be included in the general debt of a municipality for the purpose of the recitals in any by-law of that municipality for the creation of a debt by the issue of debentures" in the fifth, sixth, seventh, eighth and ninth lines, so that the subsection shall read as follows: ^{R.S.O. 1960,} ^{c. 281, s. 39,} ^{amended}

- (4) Notwithstanding *The Municipal Act* or any other ^{Assent of} Act, it is not necessary for the council of any municipi- ^{electors}ality to obtain the assent of the electors to the ^{not} passing of any such by-law or the entering into of ^{required} any such agreement with the Commission. ^{R.S.O. 1960,} ^{c. 249}

12. Subsection 3 of section 43 of *The Ontario Water Resources Commission Act* is amended by inserting after ^{R.S.O. 1960,} "bank" where it occurs the first time in the fourth line "or ^{c. 281, s. 43,} Province of Ontario Savings Office", so that the subsection ^{subs. 3,} shall read as follows: ^{amended}

- (3) All amounts placed by the Commission to the credit ^{O.W.R.C.} of all reserve accounts under subsection 1 shall be ^{Reserve} deposited by the Commission as a consolidated fund ^{Account} in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Reserve Account" and the earnings in each year on

the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts.

R.S.O. 1960,
c. 281, s. 44,
subs. 1,
amended

13. Subsection 1 of section 44 of *The Ontario Water Resources Commission Act* is amended by inserting after "bank" where it occurs the first time in the fourth line "or Province of Ontario Savings Office", so that the subsection shall read as follows:

O.W.R.C.
Debt
Retirement
Account

- (1) All moneys received by the Commission from all municipalities under paragraph 2 of subsection 1 of section 40 shall be deposited by the Commission as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Debt Retirement Account" and may be applied by the Commission to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, provided always that the moneys paid by any municipality and deposited in the Commission Debt Retirement Account in respect of any project shall be retained in the Commission Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 40.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
cl. *jj*,
(1960-61,
c. 71, s. 5),
re-enacted

14.—(1) Clause *jj* of subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is repealed and the following substituted therefor:

- (*jj*) exempting any person or any substance or quantity or concentration thereof from subsection 1 of section 28*b*.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

- (2) Subsection 1 of the said section 47 is amended by adding thereto the following clause:

SECTION 13. The amendment authorizes the Commission to deposit moneys in the Province of Ontario Savings Office as well as in chartered banks.

SECTION 14—Subsection 1. The amendment is complementary to section 7 of this Bill.

Subsection 2. The amendment authorizes the Commission, with the approval of the Lieutenant Governor in Council, to exempt by regulation any sewage works or water works from the provisions of the Act requiring the submission of plans to the Commission with respect to a proposed work. This amendment is complementary to sections 8 and 9 of this Bill.

SECTION 15. Section 47a, which provides for the inspection of plumbing by municipalities and local boards of health, is enlarged,

- (1) to provide more specifically for such inspections by municipalities, including counties, and by the local boards of health under agreements with the local municipalities or counties;
- (2) to make it clear that plumbing inspectors may enter premises to carry out their duties;
- (3) to provide for the enforcement of the plumbing code where a conviction is recorded for constructing plumbing contrary to the code.

- (kk) exempting any sewage works or any class or type thereof from section 31 and any water works or any class or type thereof from subsections 1 and 2 of section 30.

15. Section 47a of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 47a
(1960-61,
c. 71, s. 6),
re-enacted

47a.—(1) Where a local municipality undertakes to carry out inspections with respect to plumbing as prescribed by regulations made under section 47, the local municipality and the local board of health of the municipality or, where a local board of a health unit has jurisdiction in the municipality, the local board of the health unit may enter into agreements providing that the local board shall carry out such inspections upon such terms and conditions as may be agreed upon.

Plumbing
inspection,
by local
municipality
or local
board of
health

- (2) Where a county council by a two-thirds vote provides that such inspections shall be carried out by the county, such inspections shall be carried out in the municipalities that form part of the county for municipal purposes only by the county, provided that, where there is a health unit in the county, the county and the local board of the health unit may enter into agreements providing that the board shall carry out such inspections upon such terms and conditions as may be agreed upon.

by county
or health
unit

- (3) Where a county and a local board of a health unit have entered into an agreement under subsection 2 and the local board does not have jurisdiction in all of the municipalities that form part of the county for municipal purposes, the county shall carry out such inspections in the municipalities that do not form part of the health unit.

by county
and health
unit

47b.—(1) Where a local municipality, a county or a local board of health or the local board of a health unit undertakes under section 47a or the regulations made under section 47 or under an agreement to inspect plumbing, the municipality or local board, as the case may be, may pass by-laws,

Plumbing
inspection
by-laws

- (a) providing for such inspections and for appointing one or more inspectors for such purpose;

- (b) for charging fees for such inspections and fixing the amounts thereof;
- (c) for requiring the production of plans of plumbing that is to be constructed, repaired, renewed or altered and of the location of drains, pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered;
- (d) for prohibiting the use of such plumbing until it has been inspected and found to conform to the regulations made under clause *e* of sub-section 1 of section 47.

Penalties
R.S.O. 1960,
c. 249

- (2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

Inspector
may enter
premises

- (3) An inspector may at all reasonable hours enter any premises to inspect plumbing to which the regulations made under section 47 are applicable, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

Interpre-
tation

- 47c.—(1) In this section, “owner” includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

Owner may
be required
to make
plumbing
conform
to code

- (2) Where a person has been convicted of constructing, repairing, renewing or altering plumbing in a manner that does not conform to the regulations made under section 47 and the time for appealing such conviction has elapsed and no appeal from such conviction is pending, the municipality or local board responsible for inspecting such plumbing may, by notice sent by registered mail to the owner of the land and premises in which the plumbing is located,

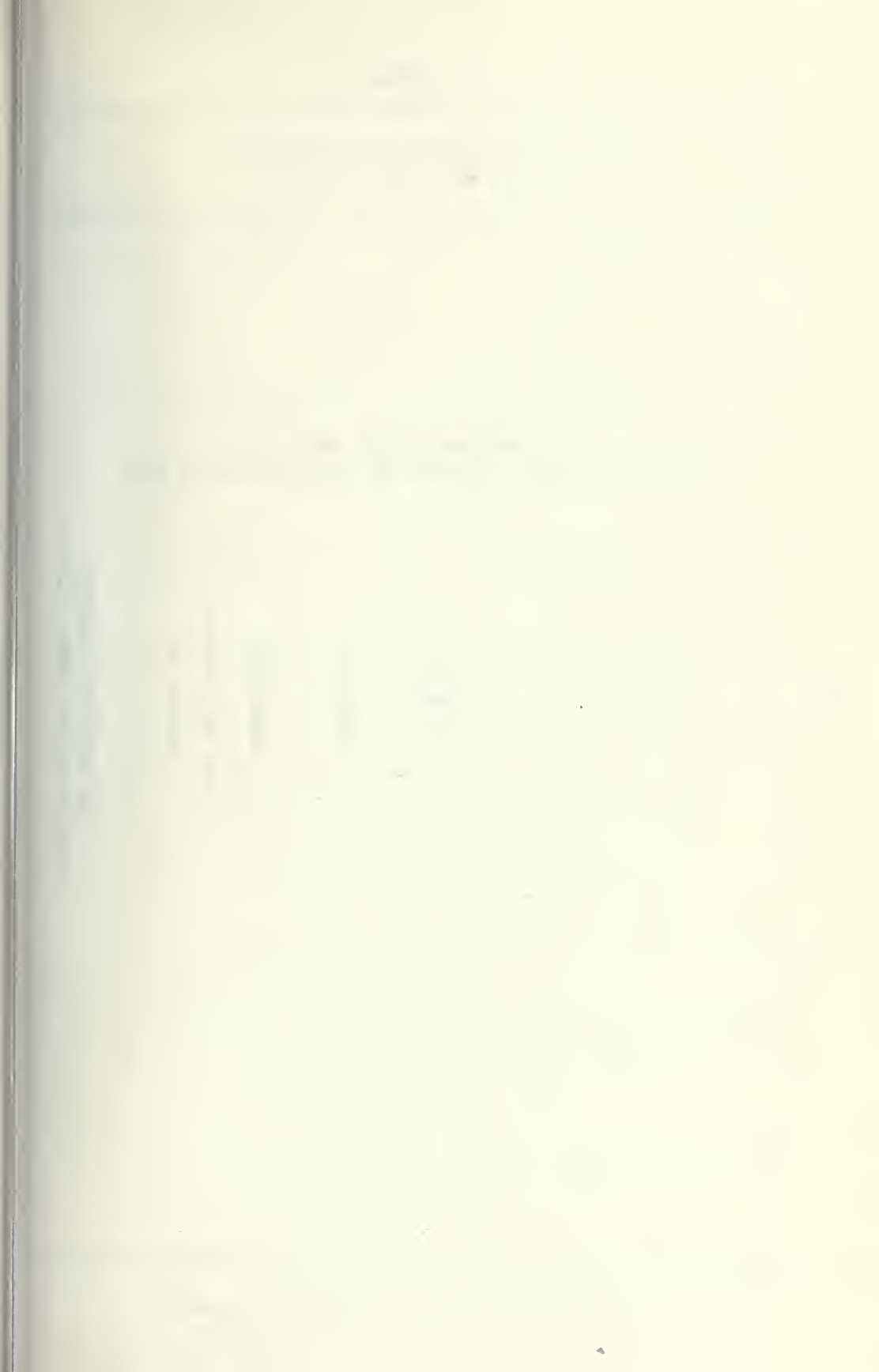
require him to make the plumbing conform to such regulations within such period as may be stated in the notice.

- (3) The notice shall specify wherein the plumbing does ^{Notice} not conform to the regulations and that, if it is not made to conform within the period stated in the notice, the work may be done by the municipality or local board in accordance with subsection 4.
- (4) If the owner of the land and premises does not ^{Work may be done by municipality} comply with the notice, the municipality or local board that sent the notice may, at the expense of the owner, make the plumbing conform to the regulations, and for that purpose its servants and agents may from time to time enter upon the land and premises.
- (5) The municipality or local board that caused the work ^{Collection of expenses} to be done to make the plumbing conform has a lien for the amount expended by it or on its behalf together with interest at the rate of 6 per cent per annum upon the land and premises in which the plumbing is located, and the municipality or local board may direct that such amount with interest be added to the collector's roll of the local municipality in which the land and premises are situated and collected in like manner as municipal real property taxes and paid over to the municipality or local board, as the case may be.

16. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

17. This Act may be cited as *The Ontario Water Resources* ^{Short title} *Commission Amendment Act, 1961-62.*





An Act to amend The Ontario Water
Resources Commission Act

1st Reading

February 27th, 1962

2nd Reading

3rd Reading

Mr. Cass

BILL 77

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Water Resources Commission Act

MR. CASS

BILL 77

1961-62

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *q* and *r* of section 1 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 281, s. 1,
cls. *q*, *r*,
re-enacted

(*q*) "sewage works" means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *e* of subsection 1 of section 47 apply;

(*r*) "water works" means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *e* of subsection 1 of section 47 apply.

2. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 281,
amended

16a. Any municipality may enter into agreements with the Commission under clause *d* of subsection 1 of section 16, and subsections 4 to 8 of section 39, section 41 and subsection 6 of section 42 apply *mutatis mutandis* to such agreements. Agreements
under
section 16

3. Section 17 of *The Ontario Water Resources Commission Act* is amended by striking out "of" where it occurs the first time in the fourth line and inserting in lieu thereof "or", so that the section shall read as follows: R.S.O. 1960,
c. 281, s. 17,
amended

17. The Commission may for its purposes exercise any or all of the powers that are conferred by any general Municipal
powers

Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works.

R.S.O. 1960,
c. 281, s. 20,
amended

4. Section 20 of *The Ontario Water Resources Commission Act* is amended by striking out "of Canada" in the third line and inserting in lieu thereof "or a Province of Ontario Savings Office", so that the section shall read as follows:

Deposit and
investment
of moneys

20. Without limiting sections 43, 44 and 45, the Commission shall deposit any moneys in its hands in accounts in one or more chartered banks or a Province of Ontario Savings Office or with the Treasurer of Ontario and may in its discretion invest any such moneys in bonds, debentures or other securities of or guaranteed by Canada or any province of Canada or the United Kingdom or in securities of the United States of America.

R.S.O. 1960,
c. 281, s. 27,
subs. 1,
re-enacted

5. Subsection 1 of section 27 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Discharge
of polluting
material
prohibited

(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 281, s. 28^a
(1960-61,
c. 71, s. 3),
subs. 2,
cl. b,
amended

6.—(1) Clause *b* of subsection 2 of section 28^a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by striking out "first" in the third line, so that the clause shall read as follows:

(b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after this section comes into force; or

.

R.S.O. 1960,
c. 281, s. 28^a
(1960-61,
c. 71, s. 3),
amended

(2) The said section 28^a is amended by adding thereto the following subsection:

- (5) Every person who contravenes subsection 2 or any ^{Offence} of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for every day the contravention continues.

7. *The Ontario Water Resources Commission Act* is amended ^{R.S.O. 1960, c. 281, amended} by adding thereto the following section:

28b.—(1) No person shall add any substance to the ^{Addition of substances to water regulated} water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse for the purpose of killing or affecting plants, snails, insects, fish or other living matter or thing therein without a permit issued by the Commission.

- (2) Subsection 1 does not apply to any person or to ^{Application of subs. 1} substances or any quantity or concentration thereof exempted from the application of subsection 1 by the regulations made under this Act.

- (3) The Commission may in its discretion issue, refuse ^{Permit} to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper, and may alter the terms and conditions of a permit after it is issued.

- (4) Every person who contravenes subsection 1 or any ^{Offence} of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

8. Section 30 of *The Ontario Water Resources Commission Act* is amended ^{R.S.O. 1960, c. 281, s. 30, amended} by adding thereto the following subsection:

- (6) Subsections 1 and 2 do not apply, ^{Application}

- (a) to a water works to be used only for supplying water, for agricultural, commercial or industrial purposes, that is not required under any Act or regulation to be fit for human consumption;
- (b) to a water works not capable of supplying water at a rate greater than 10,000 gallons per day;
- (c) to a privately-owned water works to be used to supply water only for five or fewer private residences; and

- (d) to such water works as may be exempted therefrom by regulations made under this Act.

R.S.O. 1960,
c. 281, s. 31,
amended

9. Section 31 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

Application

(4) This section does not apply,

- (a) to a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (b) to a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;
- (c) to a privately-owned sewage works serving only five or fewer private residences;
- (d) to a sewage works the main purpose of which is to drain agricultural lands;
- (e) to a drainage work under *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*;
- (f) to such sewage works as may be exempted therefrom by regulations made under this Act;

R.S.O. 1960,
cc. 253, 109,
47, 171

R.S.O. 1950,
c. 131

but this section does apply to a sewage works for the distribution of sewage on the surface of the ground for the purpose of disposing of the sewage.

R.S.O. 1960,
c. 281, s. 32,
subss. 1, 2,
re-enacted

10.—(1) Subsections 1 and 2 of section 32 of *The Ontario Water Resources Commission Act* are repealed and the following substituted therefor:

Extension of
sewage works
into another
municipality,
etc.

- (1) Where any municipality contemplates extending its sewage works into another municipality or other municipalities or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of each other municipality concerned and to such other persons and in such manner as the Commission may direct.

- (2) Any public hearing required by this section may be ^{Hearing} held by any member of the Commission and he shall report thereon to the Commission.

(2) Subsection 3 of the said section 32 is amended by in- ^{R.S.O. 1960,}serting after "municipalities" in the fourth line "or territory ^{c. 281, s. 32,} without municipal organization" and by inserting after ^{subs. 3,}"municipalities" in the sixth line "or territory", so that the ^{amended} subsection shall read as follows:

- (3) Where the Commission has given its approval under ^{Powers of} section 31 to an extension under subsection 1, the ^{municipality} municipality undertaking the extension may enter ^{after} upon, take and use such lands in such other municip- ^{approval}ality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 83 of subsection 1 of section 379 of *The Municipal Act* does not ^{R.S.O. 1960,} apply. ^{c. 249}

11. Subsection 4 of section 39 of *The Ontario Water Resources Commission Act* is amended by striking out "and no indebtedness of the Commission and no indebtedness of a municipality to the Commission shall be included in the general debt of a municipality for the purpose of the recitals in any by-law of that municipality for the creation of a debt by the issue of debentures" in the fifth, sixth, seventh, eighth and ninth lines, so that the subsection shall read as follows: ^{R.S.O. 1960,} ^{c. 281, s. 39,} ^{subs. 4,} ^{amended}

- (4) Notwithstanding *The Municipal Act* or any other ^{Assent of} Act, it is not necessary for the council of any municipi- ^{electors}ty to obtain the assent of the electors to the ^{not} passing of any such by-law or the entering into of ^{required} any such agreement with the Commission. ^{R.S.O. 1960,} ^{c. 249}

12. Subsection 3 of section 43 of *The Ontario Water Resources Commission Act* is amended by inserting after ^{R.S.O. 1960,} "bank" where it occurs the first time in the fourth line "or ^{c. 281, s. 43,} Province of Ontario Savings Office", so that the subsection ^{subs. 3,} shall read as follows: ^{amended}

- (3) All amounts placed by the Commission to the credit ^{O.W.R.C.} of all reserve accounts under subsection 1 shall be ^{Reserve} deposited by the Commission as a consolidated fund ^{Account} in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Reserve Account" and the earnings in each year on

the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts.

R.S.O. 1960,
c. 281, s. 44,
subs. 1,
amended

13. Subsection 1 of section 44 of *The Ontario Water Resources Commission Act* is amended by inserting after "bank" where it occurs the first time in the fourth line "or Province of Ontario Savings Office", so that the subsection shall read as follows:

O.W.R.C.
Debt
Retirement
Account

- (1) All moneys received by the Commission from all municipalities under paragraph 2 of subsection 1 of section 40 shall be deposited by the Commission as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Debt Retirement Account" and may be applied by the Commission to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, provided always that the moneys paid by any municipality and deposited in the Commission Debt Retirement Account in respect of any project shall be retained in the Commission Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 40.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
cl. *jj*
(1960-61,
c. 71, s. 5),
re-enacted

14.—(1) Clause *jj* of subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is repealed and the following substituted therefor:

- (*ja*) exempting any person or any substance or quantity or concentration thereof from subsection 1 of section 28*b*.

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

- (2) Subsection 1 of the said section 47 is amended by adding thereto the following clause:

- (ka) exempting any sewage works or any class or type thereof from section 31 and any water works or any class or type thereof from subsections 1 and 2 of section 30.

15. Section 47a of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is repealed and the following substituted therefor:

47a.—(1) Where a local municipality undertakes to carry out inspections with respect to plumbing as prescribed by regulations made under section 47, the local municipality and the local board of health of the municipality or, where a local board of a health unit has jurisdiction in the municipality, the local board of the health unit may enter into agreements providing that the local board shall carry out such inspections upon such terms and conditions as may be agreed upon.

(2) Where a county council by a two-thirds vote provides that such inspections shall be carried out by the county, such inspections shall be carried out in the municipalities that form part of the county for municipal purposes only by the county, provided that, where there is a health unit in the county, the county and the local board of the health unit may enter into agreements providing that the board shall carry out such inspections upon such terms and conditions as may be agreed upon.

(3) Where a county and a local board of a health unit have entered into an agreement under subsection 2 and the local board does not have jurisdiction in all of the municipalities that form part of the county for municipal purposes, the county shall carry out such inspections in the municipalities that do not form part of the health unit.

47b.—(1) Where a local municipality, a county or a local board of health or the local board of a health unit undertakes under section 47a or the regulations made under section 47 or under an agreement to inspect plumbing, the municipality or local board, as the case may be, may pass by-laws,

- (a) providing for such inspections and for appointing one or more inspectors for such purpose;

(b) for charging fees for such inspections and fixing the amounts thereof;

(c) for requiring the production of plans of plumbing that is to be constructed, repaired, renewed or altered and of the location of drains, pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered;

(d) for prohibiting the use of such plumbing until it has been inspected and found to conform to the regulations made under clause e of subsection 1 of section 47.

Penalties
R.S.O. 1960,
c. 249

(2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

Inspector
may enter
premises

(3) An inspector may at all reasonable hours enter any premises to inspect plumbing to which the regulations made under section 47 are applicable, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

Interpre-
tation

47c.—(1) In this section, “owner” includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

Owner may
be required
to make
plumbing
conform
to code

(2) Where a person has been convicted of constructing, repairing, renewing or altering plumbing in a manner that does not conform to the regulations made under section 47 and the time for appealing such conviction has elapsed and no appeal from such conviction is pending, the municipality or local board responsible for inspecting such plumbing may, by notice sent by registered mail to the owner of the land and premises in which the plumbing is located,

require him to make the plumbing conform to such regulations within such period as may be stated in the notice.

- (3) The notice shall specify wherein the plumbing does ^{Notice} not conform to the regulations and that, if it is not made to conform within the period stated in the notice, the work may be done by the municipality or local board in accordance with subsection 4.
- (4) If the owner of the land and premises does not ^{Work may be done by municipality} comply with the notice, the municipality or local board that sent the notice may, at the expense of the owner, make the plumbing conform to the regulations, and for that purpose its servants and agents may from time to time enter upon the land and premises.
- (5) The municipality or local board that caused the work ^{Collection of expenses} to be done to make the plumbing conform has a lien for the amount expended by it or on its behalf together with interest at the rate of 6 per cent per annum upon the land and premises in which the plumbing is located, and the municipality or local board may direct that such amount with interest be added to the collector's roll of the local municipality in which the land and premises are situated and collected in like manner as municipal real property taxes and paid over to the municipality or local board, as the case may be.

16. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

17. This Act may be cited as *The Ontario Water Resources* ^{Short title} *Commission Amendment Act, 1961-62.*

An Act to amend The Ontario Water
Resources Commission Act

1st Reading

February 27th, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 78

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Assessment Act

MR. MACDONALD

EXPLANATORY NOTE

Subsection 5 of section 46 of *The Assessment Act* has the effect of exempting railway hotels from municipal business assessment. The amendment removes this exemption.

BILL 78

1961-62

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 46 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 46,
amended

(6) Subsection 5 does not apply to a hotel owned or operated by a railway company. Subs. 5 not
applicable
to railway
hotels

2. This Act may be cited as *The Assessment Amendment Act, 1961-62*. Short title

An Act to amend The Assessment Act

1st Reading

February 27th, 1962

2nd Reading

3rd Reading

MR. MacDONALD

BILL 79

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Department of Municipal Affairs Act

MR. CASS

EXPLANATORY NOTE

Self-explanatory.

BILL 79

1961-62

**An Act to amend
The Department of Municipal Affairs Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of *The Department of Municipal Affairs Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 98, s. 55,
amended

(6) When it appears to the Department that, by reason of the revision or alteration of an assessment roll in accordance with a decision or decisions of the court of revision, the county judge or the Board, the roll as so revised or altered is inequitable in respect of a substantial number of persons shown on the roll, the Department may order that the entire roll as revised or altered be set aside and direct a new assessment to be made by such person as it may designate. Where
revised roll
inequitable,
may be set
aside

(7) Where the Department directs a new assessment to be made, it shall also fix the time for the return of the new assessment roll, and the same rights of appeal as apply under *The Assessment Act* with respect to the assessment roll set aside apply with respect to such new roll, except that the dates specified in that Act for the hearing and determination of such appeals shall be extended for a period corresponding to the period of time between the return of the roll set aside and the return of the new roll. Time for
return of
new assess-
ment,
appeals
R.S.O. 1960,
c. 23

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1961-62*. Short title

An Act to amend
The Department of Municipal Affairs Act

1st Reading

March 1st, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 79

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Department of Municipal Affairs Act

MR. CASS

BILL 79

1961-62

An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of *The Department of Municipal Affairs Act* R.S.O. 1960, c. 98, s. 55, amended is amended by adding thereto the following subsections:

- (6) When it appears to the Department that, by reason of the revision or alteration of an assessment roll in accordance with a decision or decisions of the court of revision, the county judge or the Board, the roll as so revised or altered is inequitable in respect of a substantial number of persons shown on the roll, the Department may order that the entire roll as revised or altered be set aside and direct a new assessment to be made by such person as it may designate. Where revised roll inequitable, may be set aside
- (7) Where the Department directs a new assessment to be made, it shall also fix the time for the return of the new assessment roll, and the same rights of appeal as apply under *The Assessment Act* with respect to the assessment roll set aside apply with respect to such new roll, except that the dates specified in that Act for the hearing and determination of such appeals shall be extended for a period corresponding to the period of time between the return of the roll set aside and the return of the new roll. Time for return of new assessment, appeals R.S.O. 1960, c. 23

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commencement

3. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1961-62*. Short title

An Act to amend
The Department of Municipal Affairs Act

1st Reading

March 1st, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 80

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Municipal Board Act

MR. CASS

EXPLANATORY NOTES

SECTION 1. The present clause permits only the purchaser municipality to make an application to the Board to fix rates for water and sewage service. The amendment permits either the vendor or purchaser municipality to make application.

SECTION 2. At present, the Board may only direct the special form of notice to provide for filing objections in respect of a particular application. The subsection, as amended, would authorize the Board to give a general direction.

SECTION 3. Section 94, which provides for an appeal to the Lieutenant Governor in Council from a decision of the Ontario Municipal Board, is re-enacted to provide a time limit within which petitions may be filed and to authorize the Lieutenant Governor in Council to refer any matter back to the Board in addition to the present authority to vary or rescind a decision.

BILL 80

1961-62

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 274, s. 53,
subs. 1,
cl. *k*,
re-enacted

(*k*) where water or sewage service is supplied or to be supplied by one municipality to another municipality, to hear and determine the application of either municipality to confirm, vary or fix rates charged or to be charged in connection with such water or sewage service.

2. Subsection 2*a* of section 63 of *The Ontario Municipal Board Act*, as enacted by section 2 of *The Ontario Municipal Board Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows: R.S.O. 1960,
c. 274, s. 63,
subs. 2*a*
(1960-61,
c. 68, s. 2),
amended

(2*a*) The Board may direct that the notice to be given shall state that anyone objecting to dispensing with the assent of the electors may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipality or, in the case of a local board, with the secretary of the local board his objection to dispensing with the assent of the electors. Notice to
provide for
filing of
objections

3.—(1) Section 94 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 274, s. 94,
re-enacted

94. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieut. Gov.
in Council
may
confirm, vary
or rescind
orders

- (a) confirm, vary or rescind the whole or any part of such order or decision; or
- (b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Orders of
Board
heretofore
made

(2) For the purposes of section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1, the date of every order, decision, rule or regulation heretofore made by the Board shall be deemed to be the date this section comes into force.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1961-62*.





An Act to amend
The Ontario Municipal Board Act

1st Reading

March 1st, 1962

2nd Reading

3rd Reading

Mr. Cass

BILL 80

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Municipal Board Act

MR. CASS

BILL 80

1961-62

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 53,
subs. 1,
cl. *k*,
re-enacted

- (*k*) where water or sewage service is supplied or to be supplied by one municipality to another municipality, to hear and determine the application of either municipality to confirm, vary or fix rates charged or to be charged in connection with such water or sewage service.

2. Subsection 2*a* of section 63 of *The Ontario Municipal Board Act*, as enacted by section 2 of *The Ontario Municipal Board Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 274, s. 63,
subs. 2*a*
(1960-61,
c. 68, s. 2),
amended

- (2*a*) The Board may direct that the notice to be given shall state that anyone objecting to dispensing with the assent of the electors may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipality or, in the case of a local board, with the secretary of the local board his objection to dispensing with the assent of the electors.

Notice to
provide for
filing of
objections

3.—(1) Section 94 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 94,
re-enacted

94. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, confirm, vary or rescind orders

Lieut. Gov.
in Council
may
confirm, vary
or rescind
orders

- (a) confirm, vary or rescind the whole or any part of such order or decision; or
- (b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Orders of
Board
heretofore
made

(2) For the purposes of section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1, the date of every order, decision, rule or regulation heretofore made by the Board shall be deemed to be the date this section comes into force.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1961-62*.



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An Act to amend
The Ontario Municipal Board Act

1st Reading

March 1st, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 81

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

**An Act to repeal
The Retail Sales Tax Act, 1960-61**

MR. BRYDEN

THE BOARD OF DIRECTORS OF THE
AMERICAN RED CROSS

THE BOARD OF DIRECTORS OF THE
AMERICAN RED CROSS

EXPLANATORY NOTE

Self-explanatory.

THE BOARD OF DIRECTORS OF THE
AMERICAN RED CROSS

BILL 81

1961-62

**An Act to repeal
The Retail Sales Tax Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Retail Sales Tax Act, 1960-61* is repealed. 1960-61,
c. 91,
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
3. This Act may be cited as *The Retail Sales Tax Repeal Act, 1961-62*. Short title

An Act to repeal
The Retail Sales Tax Act, 1960-61

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

Mr. BRYDEN

BILL 82

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mental Hospitals Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1—Subsection 1. See section 4 of this Bill. This will authorize complementary regulations to be made.

Subsection 2. The scope of the clause is extended to include classes of persons other than patients who may be placed in approved homes.

SECTION 2. This amendment brings the Act into line with a recent amendment to the *Criminal Code*. It will authorize the admittance to an Ontario Hospital of a person on remand for observation up to 30 days.

SECTION 3. This amendment will allow the admission of persons to the appropriate institution, whether it be "the most conveniently situated" or not.

BILL 82

1961-62

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960
c. 236, s. 5,
subs. 2,
amended

(hh) prescribing the terms and conditions upon which leave of absence from the hospital may be granted to any patient or class of patients, prescribing the length of any leave of absence and providing that sections 39 and 40 apply *mutatis mutandis* to any patient or any class of patients who are granted leave of absence.

(2) Clause *q* of subsection 2 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960,
c. 236, s. 5,
subs. 2, cl. *q*,
re-enacted

(*q*) prescribing the amounts to be paid by the Department for the care and maintenance of patients or former patients in approved homes.

2. Clause *d* of section 19 of *The Mental Hospitals Act* is amended by adding at the end thereof "or the *Criminal Code* (Canada)", so that the clause shall read as follows: R.S.O. 1960,
c. 236, s. 19,
cl. *d*,
amended

(*d*) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations or the *Criminal Code* (Canada). 1953 54
c. 51 (Can.)

3. Subsection 1 of section 38 of *The Mental Hospitals Act* is amended by striking out "and any order made under this section shall direct that the person shall be conveyed to the institution most conveniently situated to the place where the order is made" in the sixth, seventh and eighth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 236, s. 38,
subs. 1,
amended

Admission
on order
of judge
or
magistrate

- (1) Any person may be admitted to an institution upon the order of a judge or magistrate if the person has been apprehended either with or without warrant and charged with any offence, if the order is accompanied by the prescribed history form and if the order is for a period of not more than sixty days.

R.S.O. 1960,
c. 236,
amended

4. *The Mental Hospitals Act* is amended by adding thereto the following section:

Leave of
absence

- 40a. The superintendent may grant leave of absence from the hospital to any patient or class of patients upon such terms and conditions and for such period of time as the regulations prescribe.

R.S.O. 1960,
c. 236, s. 49,
subs. 2,
re-enacted

5. Subsection 2 of section 49 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Period of
detention

- (2) Subject to section 27, a person received and detained under subsection 1 shall not be detained more than five days after having given notice in writing of his desire to leave the institution.

R.S.O. 1960,
c. 236, s. 62,
subs. 4,
repealed

6. Subsection 4 of section 62 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,
c. 236, s. 68,
subs. 4,
repealed

7. Subsection 4 of section 68 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,
c. 236,
Part XI
(ss. 104-109),
re-enacted;
(ss. 110-113),
repealed

8. Part XI of *The Mental Hospitals Act* is repealed and the following substituted therefor:

PART XI

MENTAL HEALTH CENTRES

Interpre-
tation

104. In this Part, "mental health centre" means accommodation and facilities established and maintained for the purpose of examining, diagnosing and treating persons for psychiatric disorders.

Approval
of
premises

105. The Minister may approve any building, premises or place, or any part thereof, as a mental health centre, to be known by such name as he designates.

Director

106. A duly qualified medical practitioner, to be known as "the Director", shall be in charge of each mental health centre.

SECTION 4. This new section will authorize the granting of leave of absence from Ontario Hospitals to patients who are sufficiently recovered to visit relatives, etc.

SECTION 5. The present provision requires a voluntary patient to be detained for one year and no longer. A more practical provision is substituted.

SECTION 6. Subsection 4 requires the superintendent of a public hospital to notify the Deputy Minister of Health of the admission of a person to the detention unit of the hospital.

As the requirement does not serve any useful purpose at the present time, it is repealed.

SECTION 7. See note to section 6 of this Bill. This requirement, applicable to the observation units of public hospitals, is similar. It is therefore repealed.

SECTION 8. Part XI of the Act, which deals with medical health clinics, now to be called medical health centres, is revised in order to provide for current therapeutic practices for mental disorders.

107. Subject to the approval of the Lieutenant Governor in Council, the Minister may make an agreement with any hospital or other institution for the purpose of establishing and maintaining a mental health centre in the hospital or institution. ^{Operating agreements}
108. A duly qualified medical practitioner on the staff of a mental health centre may conduct an examination of the physical and mental condition of any person on order of a magistrate. ^{Examination on order of magistrate}
109. The Lieutenant Governor in Council may make regulations in respect of mental health centres governing and regulating, ^{Regulations}
- (a) the inspection, management and operation thereof;
 - (b) the care and treatment that may be given therein;
 - (c) the appointment of staff, and prescribing their powers and duties.
9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
10. This Act may be cited as *The Mental Hospitals Amendment Act, 1961-62*. ^{Short title}

An Act to amend
The Mental Hospitals Act

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

Mr. Dymond

BILL 82

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mental Hospitals Act

MR. DYMOND

TORONTO

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BILL 82

1961-62

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960
c. 236, s. 5,
subs. 2,
amended

(ha) prescribing the terms and conditions upon which leave of absence from the hospital may be granted to any patient or class of patients, prescribing the length of any leave of absence and providing that sections 39 and 40 apply *mutatis mutandis* to any patient or any class of patients who are granted leave of absence.

(2) Clause *q* of subsection 2 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960,
c. 236, s. 5,
subs. 2, cl. *q*,
re-enacted

(*q*) prescribing the amounts to be paid by the Department for the care and maintenance of patients or former patients in approved homes.

2. Clause *d* of section 19 of *The Mental Hospitals Act* is amended by adding at the end thereof "or the *Criminal Code* (Canada)", so that the clause shall read as follows: R.S.O. 1960,
c. 236, s. 19,
cl. *d*,
amended

(*d*) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations or the *Criminal Code* (Canada). 1953-54,
c. 51 (Can.)

3. Subsection 1 of section 38 of *The Mental Hospitals Act* is amended by striking out "and any order made under this section shall direct that the person shall be conveyed to the institution most conveniently situated to the place where the order is made" in the sixth, seventh and eighth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 236, s. 38,
subs. 1,
amended

Admission
on order
of judge
or
magistrate

- (1) Any person may be admitted to an institution upon the order of a judge or magistrate if the person has been apprehended either with or without warrant and charged with any offence, if the order is accompanied by the prescribed history form and if the order is for a period of not more than sixty days.

R.S.O. 1960,
c. 236,
amended

4. *The Mental Hospitals Act* is amended by adding thereto the following section:

Leave of
absence

- 40a. The superintendent may grant leave of absence from the hospital to any patient or class of patients upon such terms and conditions and for such period of time as the regulations prescribe.

R.S.O. 1960,
c. 236, s. 49,
subs. 2,
re-enacted

5. Subsection 2 of section 49 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Period of
detention

- (2) Subject to section 27, a person received and detained under subsection 1 shall not be detained more than five days after having given notice in writing of his desire to leave the institution.

R.S.O. 1960,
c. 236, s. 62,
subs. 4,
repealed

6. Subsection 4 of section 62 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,
c. 236, s. 68,
subs. 4,
repealed

7. Subsection 4 of section 68 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,
c. 236,
Part XI
(ss. 104-109),
re-enacted;
(ss. 110-113),
repealed

8. Part XI of *The Mental Hospitals Act* is repealed and the following substituted therefor:

PART XI

MENTAL HEALTH CENTRES

Interpre-
tation

104. In this Part, "mental health centre" means accommodation and facilities established and maintained for the purpose of examining, diagnosing and treating persons for psychiatric disorders.

Approval
of
premises

105. The Minister may approve any building, premises or place, or any part thereof, as a mental health centre, to be known by such name as he designates.

Director

106. A duly qualified medical practitioner, to be known as "the Director", shall be in charge of each mental health centre.

107. Subject to the approval of the Lieutenant Governor in Council, the Minister may make an agreement ^{Operating agreements} with any hospital or other institution for the purpose of establishing and maintaining a mental health centre in the hospital or institution.
108. A duly qualified medical practitioner on the staff ^{Examination on order of magistrate} of a mental health centre may conduct an examination of the physical and mental condition of any person on order of a magistrate.
109. The Lieutenant Governor in Council may make ^{Regulations} regulations in respect of mental health centres governing and regulating,
- (a) the inspection, management and operation thereof;
 - (b) the care and treatment that may be given therein;
 - (c) the appointment of staff, and prescribing their powers and duties.

9. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

10. This Act may be cited as *The Mental Hospitals Amendment Act, 1961-62*. ^{Short title}

and James Earl Ray, Jr. (aka "Son of Sam")
and Richard D. (aka "Son of Sam")

1917-18 Annual The Association with other members
Memorial Association 1917-18

1917-18 Annual The Association with other members
Memorial Association 1917-18

1917-18 Annual The Association with other members
Memorial Association 1917-18

1917-18

An Act to amend
The Mental Hospitals Act

1st Reading

March 2nd, 1962

2nd Reading

March 12th, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 83

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

MR. DYMOND

EXPLANATORY NOTE

The purpose of this Bill is to increase the maximum number of members of the Alcoholism and Drug Addiction Research Foundation from ten to twenty members.

BILL 83

1961-62

**An Act to amend The Alcoholism and
Drug Addiction Research Foundation Act, 1949**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949*, as amended by section 3 of *The Alcoholism Research Foundation Amendment Act, 1960-61*, is amended by striking out "ten" in the third line and inserting in lieu thereof "twenty", so that the section shall read as follows:

1949, c. 4,
s. 2,
amended
2. There shall be a body corporate to be known as the Alcoholism and Drug Addiction Research Foundation composed of not less than seven and not more than twenty members appointed by the Lieutenant Governor in Council.

Foundation
established
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62*.

Short title

An Act to amend The Alcoholism and Drug
Addiction Research Foundation Act, 1949

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 83

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

MR. DYMOND

BILL 83

1961-62

**An Act to amend The Alcoholism and
Drug Addiction Research Foundation Act, 1949**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949*, c. 4, as amended by section 3 of *The Alcoholism Research Foundation Amendment Act, 1960-61*, is amended by striking out "ten" in the third line and inserting in lieu thereof "twenty", so that the section shall read as follows:
 2. There shall be a body corporate to be known as the ^{Foundation established} Alcoholism and Drug Addiction Research Foundation composed of not less than seven and not more than twenty members appointed by the Lieutenant Governor in Council.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}
3. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62*. ^{Short title}

An Act to amend The Alcoholism and Drug
Addiction Research Foundation Act, 1949

1st Reading

March 2nd, 1962

2nd Reading

March 12th, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 84

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Private Sanitaria Act

MR. DYMOND

EXPLANATORY NOTE

This Act governs the establishment, maintenance, operation, etc., of private institutions for the care and treatment of persons suffering from psychiatric disorders.

The new section 15a makes it clear that persons suffering from epilepsy may be admitted, etc., to such institutions.

The other new sections bring the Act into line with the principles of *The Mental Hospitals Act* as to the discharge of the various classes of patients in such institutions.

BILL 84

1961-62

An Act to amend The Private Sanitaria Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Sanitaria Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 307,
amended

15a. The provisions of this Act relating to mentally ill persons apply *mutatis mutandis* to persons who are epileptic. Epileptics

.

39a. A voluntary patient shall be discharged from a sanitarium when, in the opinion of the superintendent, it is in the interests of the patient or of the sanitarium that he be discharged. Discharge of
of voluntary
patients

39b. A certified patient shall be discharged from a sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of
certified
patients

39c.—(1) A patient who has been admitted to a sanitarium on a warrant of the Lieutenant Governor shall be discharged from the sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of
warrant
patients

(2) The superintendent shall not discharge any person under subsection 1 until he has ascertained that the person is no longer liable to imprisonment. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Private Sanitaria Amendment Act, 1961-62*. Short title

An Act to amend
The Private Sanitaria Act

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 84

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Private Sanitaria Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 84

1961-62

An Act to amend The Private Sanitaria Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Sanitaria Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 307,
amended

15a. The provisions of this Act relating to mentally ill persons apply *mutatis mutandis* to persons who are epileptic. Epileptics

.

39a. A voluntary patient shall be discharged from a sanitarium when, in the opinion of the superintendent, it is in the interests of the patient or of the sanitarium that he be discharged. Discharge of
of voluntary
patients

39b. A certified patient shall be discharged from a sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of
certified
patients

39c.—(1) A patient who has been admitted to a sanitarium on a warrant of the Lieutenant Governor shall be discharged from the sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of
warrant
patients

(2) The superintendent shall not discharge any person under subsection 1 until he has ascertained that the person is no longer liable to imprisonment. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Private Sanitaria Amendment Act, 1961-62*. Short title

An Act to amend
The Private Sanitaria Act

1st Reading

March 2nd, 1962

2nd Reading

March 12th, 1962

3rd Reading

April 17th, 1962

Mr. DYMOND

BILL 85

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to provide for Health Insurance

MR. THOMAS

BILL 85

1961-62

An Act to provide for Health Insurance

WHEREAS it is in the public interest to establish a Preamble
comprehensive plan of health insurance that will be
available universally without regard to age, financial cir-
cumstances or conditions of health; and whereas it is desirable
to extend the powers of the Hospital Services Commission of
Ontario to enable it, as soon as possible, to prepare plans for
the establishment of such a plan for consideration by the
Lieutenant Governor in Council and this Assembly;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Hospital Services Com-
mission of Ontario under *The Hospital Services Com-* R.S.O. 1960,
c. 176
mission Act;
- (b) "Minister" means the member of the Executive
Council designated by the Lieutenant Governor in
Council to administer *The Hospital Services Commis-*
sion Act.

2.—(1) The Commission is authorized and directed to Preparation
of plan for
health
insurance
and report
undertake immediately such studies as may be necessary for
preparing in detail plans for the establishment of a compre-
hensive programme of health insurance, including hospital
care, medical, dental and optical services and the provision
of prescribed drugs, to prepare such plans as soon as may be,
and to report thereon to the Minister.

(2) The Commission may include in the plans proposals Idem
for the establishment of comprehensive health insurance by
stages.

Tabling
of report

3. The Minister shall table the Commission's report in the Legislature,

(a) if the Legislature is in session, within ten days after he has received the report; or

(b) if the Legislature is not in session, within ten days after the commencement of the next ensuing session.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Health Insurance Act, 1961-62*.

An Act to provide for Health Insurance

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

MR. THOMAS

BILL 86

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Retail Sales Tax Act, 1960-61

MR. ALLAN

EXPLANATORY NOTES

SECTION 1—Subsection 1. The effect of this amendment is to exempt from tax as food products insulin, vitamins, saccharin, sucaryl and weight-reducing dietary supplements.

Subsection 2. Paragraph 15 is serving no useful purpose and is therefore repealed.

SECTION 2. The purpose of this new provision is to authorize the Treasurer to make a refund of tax when it is subsequently established that certain machinery and apparatus on which tax was paid was in effect exempt.

SECTION 3—Subsection 1. The effect of this amendment will be that lime used for agricultural purposes will be exempt from tax.

BILL 86

1961-62

**An Act to amend
The Retail Sales Tax Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 6, re-enacted

6. "food products" includes insulin, vitamins, saccharin, sucaryl and any dietary supplement or adjunct that is not a drug or a medicine, but does not include spirituous, malt or vinous liquors.

(2) Paragraph 15 of the said section 1 is repealed.

1960-61, c. 91, s. 1, par. 15, repealed

2. Section 2 of *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following subsection:

1960-61, c. 91, s. 2, amended

- (6a) Where a person acquires tangible personal property Idem which at the time of the sale may or may not be machinery and apparatus and parts thereof that, in the opinion of the Treasurer, are to be used by such person directly in the process of manufacture or production of tangible personal property for sale, the vendor shall require such person to pay the tax imposed by this Act, but the Treasurer may refund such tax if he is satisfied that such property is machinery and apparatus and parts thereof that were used by such person directly in the manufacture or production of tangible personal property for sale.

3.—(1) Paragraph 15 of section 5 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "lime" in the first line, so that the paragraph shall read as follows: 1960-61, c. 91, s. 5, par. 15, amended

15. fertilizers, insecticides, fungicides, herbicides, rodenticides and combinations thereof.

1960-61,
c. 91, s. 5,
par. 20,
re-enacted

(2) Paragraph 20 of the said section 5 is repealed and the following substituted therefor:

20. materials and equipment required for irrigation purposes and drainage tile when purchased by a person who with respect to the purchase of such property provides the vendor with a signed statement certifying that he is engaged in the business of farming and that such property will be used exclusively in the conduct of such business.

1960-61,
c. 91, s. 5,
pars. 22, 23,
re-enacted

(3) Paragraphs 22 and 23 of the said section 5 are repealed and the following substituted therefor:

22. shrubs and plants that produce fruit or other food for human consumption, or that produce tobacco;
23. any tree that is sold by the Department of Lands and Forests.

1960-61,
c. 91, s. 5,
pars. 35-39,
re-enacted

(4) Paragraphs 35, 36, 37, 38 and 39 of the said section 5 are repealed and the following substituted therefor:

35. dentures and dental appliances;
36. optical appliances when sold on the prescription of a physician or an optometrist;
37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act*;
38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale;
39. materials, as defined by the Treasurer, that in his opinion are to be consumed or expended by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale.

R.S.O. 1960,
c. 322

1960-61,
c. 91, s. 5,
par. 42,
repealed

(5) Paragraph 42 of the said section 5 is repealed.

1960-61,
c. 91, s. 5,
pars. 43, 44,
renumbered

(6) Paragraphs 43 and 44 of the said section 5 are re-numbered as paragraphs 42 and 43.

Subsection 2. This amendment simplifies the method of determining which materials and equipment are exempt from tax when used for agricultural purposes.

Subsection 3. The intent of the paragraphs is clarified.

Subsection 4. The intent of paragraphs 35, 36, 38 and 39 is clarified. Paragraph 37 creates a new exemption.

Subsection 5. The paragraph repealed serves no purpose.

Subsection 6. Self-explanatory.

Subsection 7. Paragraph 44 is a widening of the exemption of classroom supplies. Paragraph 45 creates a new exemption. Paragraph 46 is clarified.

Subsection 8. The intention is clarified.

Subsection 9. These new paragraphs create new exemptions from tax.

(7) Paragraphs 45 and 46 of the said section 5 are repealed and the following substituted therefor:

1960-61,
c. 91, s. 5,
pars. 45, 46,
re-enacted

- 44. classroom supplies, as defined by the Treasurer, purchased for use or consumption and not for resale by schools, school boards and universities;
- 45. students' supplies, as defined by the Treasurer;
- 46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums or any books of the same general classes.

(8) Paragraph 48 of the said section 5 is repealed and the following substituted therefor:

1960-61,
c. 91, s. 5,
par. 48,
re-enacted

- 48. magazines and periodicals, as defined by the Treasurer.

(9) The said section 5 is amended by adding thereto the following paragraphs:

1960-61,
c. 91, s. 5,
amended

- 53. works of art, as defined by the Treasurer, purchased by a museum or art gallery more than 50 per cent of the revenue of which is provided by public donations and grants by public bodies;
- 54. uncanceled Canada postage stamps and uncanceled federal and provincial revenue stamps valid for transportation of mail or for revenue purposes where the consideration for the sale thereof does not exceed the face value thereof;
- 55. coins made by the Royal Mint of Canada, but not any such coin that is purchased for a price greater than the face value thereof;
- 56. equipment, as defined by the Treasurer, that is purchased by a religious institution for use exclusively and not for resale in that part of its premises where religious worship or sabbath school is regularly conducted;
- 57. equipment, as defined by the Treasurer, that is purchased by a person licensed by the Minister of Lands and Forests to trap fur-bearing animals;

58. machinery and apparatus and parts thereof, as defined by the Treasurer, purchased by advertisers or their agents that, in the opinion of the Treasurer, are used to produce advertisements exclusively in newspapers or magazines;

59. religious and educational publications, as defined by the Treasurer.

1960-61,
c. 91,
amended

4. *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following sections:

Conditional
exemptions

5a.—(1) Where a purchaser acquires title to tangible personal property from a member of his family by bequest or otherwise and no consideration is payable by the purchaser in respect of such acquisition, the tax imposed by subsection 1 of section 2 does not apply.

Interpre-
tation

(2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law of the purchaser.

Special
exemptions

5b. If, owing to special circumstances, it is deemed inequitable that the whole amount of tax imposed by this Act be paid, the Treasurer may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from payment of the whole or any part of such tax.

1960-61,
c. 91, s. 9,
subs. 1,
amended

5. Subsection 1 of section 9 of *The Retail Sales Tax Act, 1960-61* is amended by adding at the end thereof "and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 8", so that the subsection shall read as follows:

Compensa-
tion to
vendors

(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper, and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 8.

1960-61,
c. 91, s. 15,
re-enacted

6. Section 15 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Purchaser
liable

15. The purchaser is liable for the tax imposed by this Act until it is collected, and, where the purchaser

SECTION 4. The new section 5a creates certain new additional exemptions.

Section 5b is new and is self-explanatory.

SECTION 5. Self-explanatory.

SECTION 6. The intent is clarified.

SECTION 7. A more appropriate expression is substituted.

refuses to pay the tax at the time it is collectable under section 7, the vendor shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

7. Subclause iii of clause *e* of subsection 2 of section 39 of 1960-61, *The Retail Sales Tax Act, 1960-61* is amended by striking ^{c. 91, s. 39, subs. 2, cl. *e*, subcl. iii,} out "municipal corporation" in the first line and inserting in ^{amended} lieu thereof "municipality".

8.—(1) This Act, except sections 1 and 3, comes into force ^{Commence-} on the day it receives Royal Assent. ^{ment}

(2) Sections 1 and 3 come into force on the 1st day of ^{Idem} April, 1962.

9. This Act may be cited as *The Retail Sales Tax Amend-* ^{Short title} *ment Act, 1961-62.*

An Act to amend
The Retail Sales Tax Act, 1960-61

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

MR. ALAN

BILL 86

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Retail Sales Tax Act, 1960-61

MR. ALLAN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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BILL 86

1961-62

An Act to amend The Retail Sales Tax Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61,
c. 91,
s. 1, par. 6,
re-enacted

6. "food products" includes insulin, vitamins, saccharin, sucaryl and any dietary supplement or adjunct that is not a drug or a medicine, but does not include spirituous, malt or vinous liquors.

(2) Paragraph 15 of the said section 1 is repealed.

1960-61,
c. 91,
s. 1, par. 15,
repealed

2. Section 2 of *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following subsection: 1960-61,
c. 91, s. 2,
amended

- (6a) Where a person acquires tangible personal property ^{Idem} which at the time of the sale may or may not be machinery and apparatus and parts thereof that, in the opinion of the Treasurer, are to be used by such person directly in the process of manufacture or production of tangible personal property for sale, the vendor shall require such person to pay the tax imposed by this Act, but the Treasurer may refund such tax if he is satisfied that such property is machinery and apparatus and parts thereof that were used by such person directly in the manufacture or production of tangible personal property for sale.

3.—(1) Paragraph 15 of section 5 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "lime" in the first line, so that the paragraph shall read as follows: 1960-61,
c. 91, s. 5,
par. 15,
amended

15. fertilizers, insecticides, fungicides, herbicides, rodenticides and combinations thereof.

1960-61,
c. 91, s. 5,
par. 20,
re-enacted

(2) Paragraph 20 of the said section 5 is repealed and the following substituted therefor:

20. materials and equipment required for irrigation purposes and drainage tile when purchased by a person who with respect to the purchase of such property provides the vendor with a signed statement certifying that he is engaged in the business of farming and that such property will be used exclusively in the conduct of such business.

1960-61,
c. 91, s. 5,
pars. 22, 23,
re-enacted

(3) Paragraphs 22 and 23 of the said section 5 are repealed and the following substituted therefor:

22. shrubs and plants that produce fruit or other food for human consumption, or that produce tobacco;
23. any tree that is sold by the Department of Lands and Forests.

1960-61,
c. 91, s. 5,
pars. 35-39,
re-enacted

(4) Paragraphs 35, 36, 37, 38 and 39 of the said section 5 are repealed and the following substituted therefor:

35. dentures and dental appliances;
36. optical appliances when sold on the prescription of a physician or an optometrist;
37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act*;
38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale;
39. materials, as defined by the Treasurer, that in his opinion are to be consumed or expended by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale.

R.S.O. 1960,
c. 322

1960-61,
c. 91, s. 5,
par. 42,
repealed

(5) Paragraph 42 of the said section 5 is repealed.

1960-61,
c. 91, s. 5,
pars. 43, 44,
renumbered

(6) Paragraphs 43 and 44 of the said section 5 are re-numbered as paragraphs 42 and 43.

(7) Paragraphs 45 and 46 of the said section 5 are repealed and the following substituted therefor:

1960-61,
c. 91, s. 5,
pars. 45, 46,
re-enacted

- 44. classroom supplies, as defined by the Treasurer, purchased for use or consumption and not for resale by schools, school boards and universities;
- 45. students' supplies, as defined by the Treasurer;
- 46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums or any books of the same general classes.

(8) Paragraph 48 of the said section 5 is repealed and the following substituted therefor:

1960-61,
c. 91, s. 5,
par. 48,
re-enacted

- 48. magazines and periodicals, as defined by the Treasurer.

(9) The said section 5 is amended by adding thereto the following paragraphs:

1960-61,
c. 91, s. 5,
amended

- 53. works of art, as defined by the Treasurer, purchased by a museum or art gallery more than 50 per cent of the revenue of which is provided by public donations and grants by public bodies;
- 54. uncanceled Canada postage stamps and uncanceled federal and provincial revenue stamps valid for transportation of mail or for revenue purposes where the consideration for the sale thereof does not exceed the face value thereof;
- 55. coins made by the Royal Mint of Canada, but not any such coin that is purchased for a price greater than the face value thereof;
- 56. equipment, as defined by the Treasurer, that is purchased by a religious institution for use exclusively and not for resale in that part of its premises where religious worship or sabbath school is regularly conducted;
- 57. equipment, as defined by the Treasurer, that is purchased by a person licensed by the Minister of Lands and Forests to trap fur-bearing animals;

58. machinery and apparatus and parts thereof, as defined by the Treasurer, purchased by advertisers or their agents that, in the opinion of the Treasurer, are used to produce advertisements exclusively in newspapers or magazines;

59. religious and educational publications, as defined by the Treasurer.

1960-61,
c. 91,
amended

4. *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following sections:

Conditional
exemptions

5a.—(1) Where a purchaser acquires title to tangible personal property from a member of his family by bequest or otherwise and no consideration is payable by the purchaser in respect of such acquisition, the tax imposed by subsection 1 of section 2 does not apply.

Interpre-
tation

(2) In subsection 1, "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law of the purchaser.

Special
exemptions

5b. If, owing to special circumstances, it is deemed inequitable that the whole amount of tax imposed by this Act be paid, the Treasurer may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from payment of the whole or any part of such tax.

1960-61,
c. 91, s. 9,
subs. 1,
amended

5. Subsection 1 of section 9 of *The Retail Sales Tax Act, 1960-61* is amended by adding at the end thereof "and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 8", so that the subsection shall read as follows:

Compensa-
tion to
vendors

(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper, and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 8.

1960-61,
c. 91, s. 15,
re-enacted

6. Section 15 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Purchaser
liable

15. The purchaser is liable for the tax imposed by this Act until it is collected, and, where the purchaser

refuses to pay the tax at the time it is collectable under section 7, the vendor shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

7. Subclause iii of clause *e* of subsection 2 of section 39 of 1960-61, *The Retail Sales Tax Act, 1960-61* is amended by striking ^{c. 91, s. 39, subs. 2, cl. e,} out "municipal corporation" in the first line and inserting in ^{subcl. iii, amended} lieu thereof "municipality".

8.—(1) This Act, except sections 1 and 3, comes into force ^{Commence-} on the day it receives Royal Assent. ^{ment}

(2) Sections 1 and 3 come into force on the 1st day of Idem April, 1962.

9. This Act may be cited as *The Retail Sales Tax Amend-* ^{Short title} *ment Act, 1961-62.*

An Act to amend
The Retail Sales Tax Act, 1960-61

1st Reading

March 2nd, 1962

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

Mr. ALAN (Haldimand-Norfolk)

BILL 87

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Hospitals Tax Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1—Subsection 1. The price of admission to places of amusement that is exempt from the tax is raised from 25 cents to 56 cents and the tax on admissions between 57 cents and 92 cents is reduced by 1 cent.

Subsection 2. The price of admission to places of amusement, other than drive-in theatres, in communities having a population of 10,000 or less that is exempt from the tax is raised from 65 cents to 75 cents.

SECTION 2. This corrects an error made in the 1960 general revision of the statutes and restores the provision as it was originally enacted.

BILL 87

1961-62

An Act to amend The Hospitals Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Hospitals Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 178, s. 3,
subs. 1,
re-enacted

- (1) A purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows: Tax on
admission
to places of
amusement

Price of Admission							Tax	
More than	57	cents and not more than	61	cents—	4	cents		
"	"	61	"	"	"	"	65	" —5 "
"	"	65	"	"	"	"	74	" —6 "
"	"	74	"	"	"	"	83	" —7 "
"	"	83	"	"	"	"	92	" —8 "

and, where the price of admission is more than 92 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as 1 cent.

(2) Subsection 2 of the said section 3 is amended by striking out "66" in the second line and inserting in lieu thereof "76": R.S.O. 1960,
c. 178, s. 3,
subs. 2,
amended

2. Subsection 4 of section 10 of *The Hospitals Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 178, s. 10,
subs. 4,
re-enacted

- (4) Every owner who fails to deliver a return as and when required by subsection 1 of section 9 shall pay a penalty of, Penalty
for failure
to deliver
return

- (a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

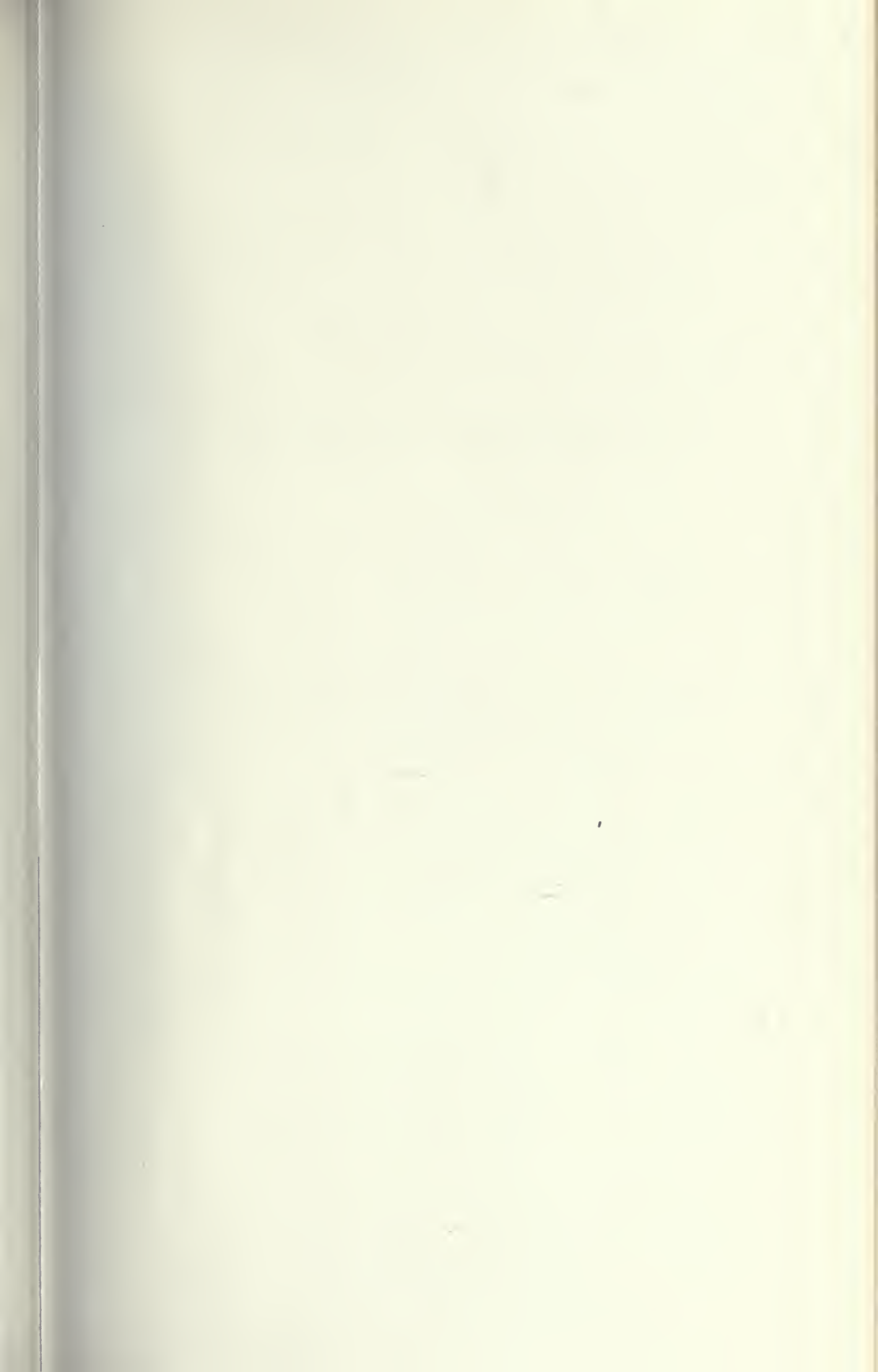
(b) \$500, if the amount of such tax was \$10,000 or more.

Commence-
ment

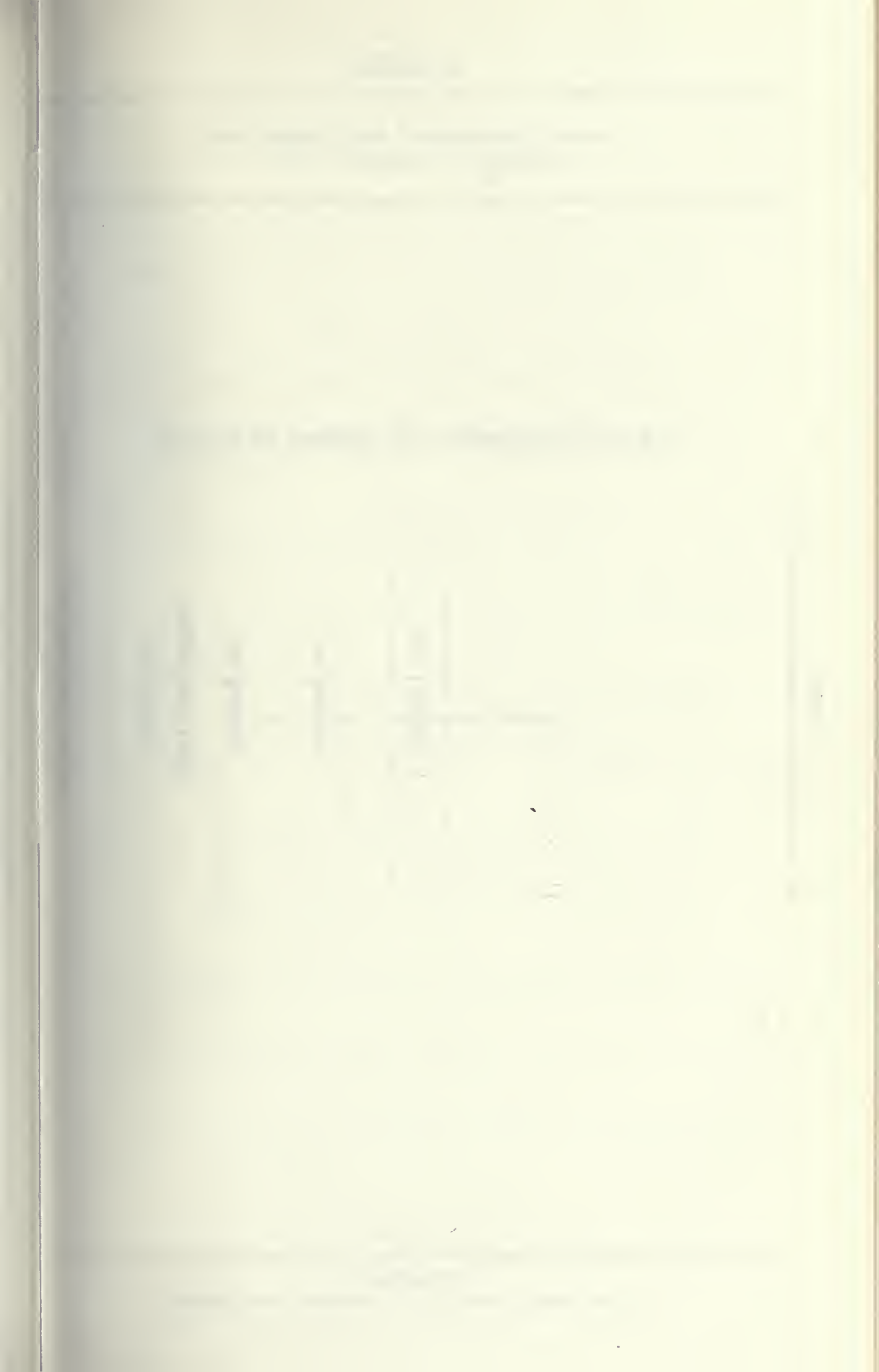
3. This Act comes into force on the 1st day of April, 1962.

Short title

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1961-62*.







An Act to amend
The Hospitals Tax Act

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 87

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Hospitals Tax Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 87

1961-62

An Act to amend The Hospitals Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Hospitals Tax Act* R.S.O. 1960, c. 178, s. 3, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) A purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows: Tax on admission to places of amusement

Price of Admission						Tax
More than 57 cents and not more than 61 cents						4 cents
" " 61 " " " " " " 65						5 "
" " 65 " " " " " " 74						6 "
" " 74 " " " " " " 83						7 "
" " 83 " " " " " " 92						8 "

and, where the price of admission is more than 92 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as 1 cent.

(2) Subsection 2 of the said section 3 is amended by striking out "66" in the second line and inserting in lieu thereof "76". R.S.O. 1960, c. 178, s. 3, subs. 2, amended

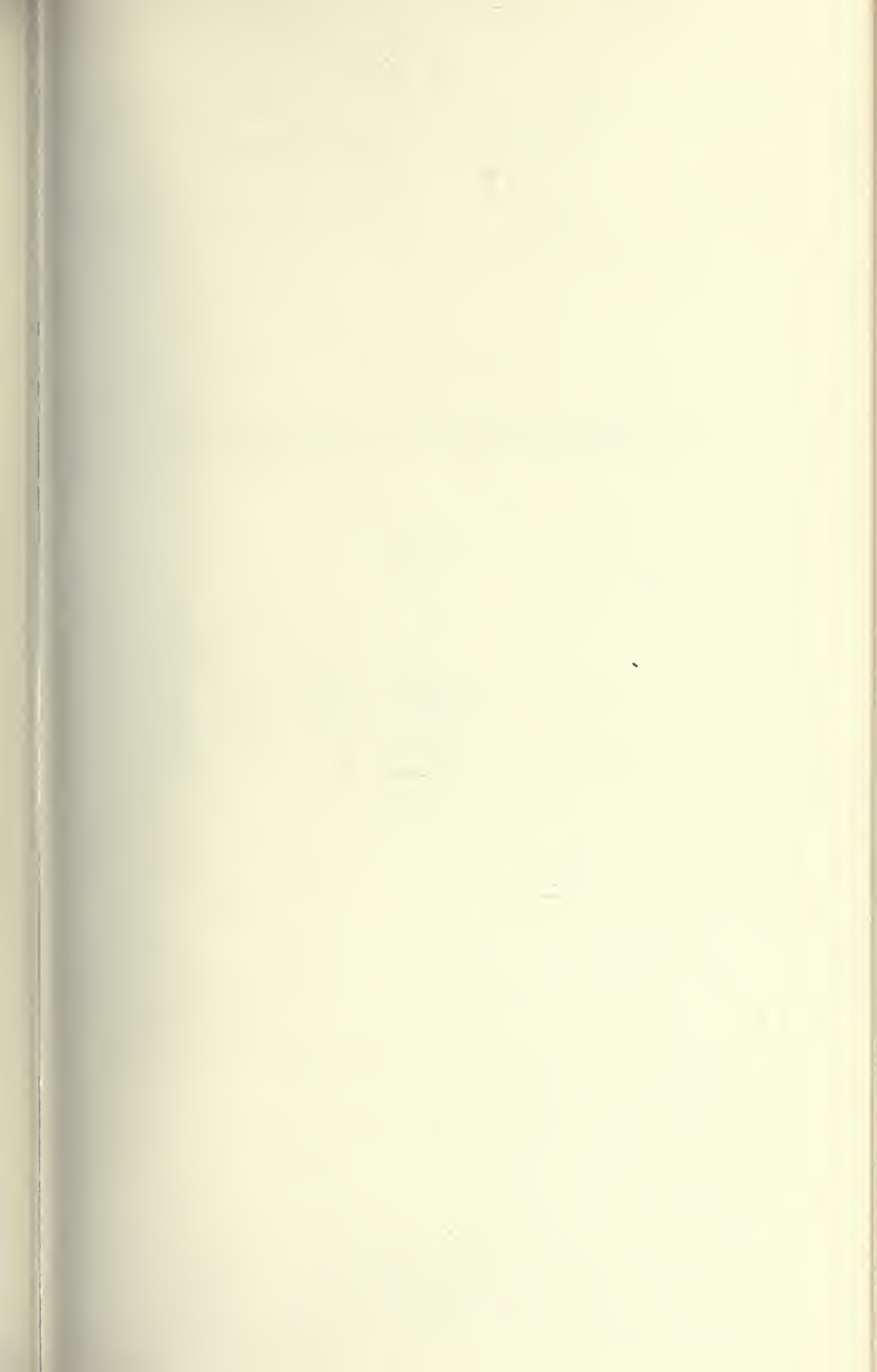
2. Subsection 4 of section 10 of *The Hospitals Tax Act* is R.S.O. 1960, c. 178, s. 10, subs. 4, re-enacted repealed and the following substituted therefor:

- (4) Every owner who fails to deliver a return as and when required by subsection 1 of section 9 shall pay a penalty of, Penalty for failure to deliver return

- (a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

3. This Act comes into force on the 1st day of April, 1962.

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1961-62*.



THE HISTORY OF THE
CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOHN H. COLEMAN

The history of the city of Boston is a subject of great interest and importance. It is a city of many centuries, and its history is a record of the growth and development of one of the most important cities in the world. The city was founded in 1630, and since that time it has been a center of commerce, industry, and culture. Its history is a story of the struggles and triumphs of a people who have built a great city out of a small settlement. The city has been a part of many wars, and it has been a center of many great movements. Its history is a record of the progress of the human race, and it is a story that should be known by all who are interested in the history of the world.

An Act to amend
The Hospitals Tax Act

1st Reading

March 2nd, 1962

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

MR. ALLAN (Haldimand-Norfolk)

BILL 88

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Apprenticeship Act

MR. THOMPSON

THE BILL
THE BILL

THE BILL

EXPLANATORY NOTE

The Bill removes the authority of the provincial advisory committees to fix the maximum age for apprentices by regulation.

THE BILL

BILL 88

1961-62

An Act to amend The Apprenticeship Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Apprenticeship Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 17,
amended

(2a) The regulations relating to qualifications respecting the age of apprentices shall prescribe minimum ages May fix
minimum
age only only.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Apprenticeship Amendment Act, 1961-62*. Short title

Bill 88
An Act to amend
The Apprenticeship Act

1st Reading

March 2nd, 1962

2nd Reading

3rd Reading

MR. THOMPSON

BILL 89

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and the Portability of Pension Benefits

MR. EDWARDS (Wentworth)

THE ONTARIO LEGISLATURE
 Session of 1905-1906
 Second Session
 Bill No. 31

THE ONTARIO LEGISLATURE
 Session of 1905-1906
 Second Session
 Bill No. 31

EXPLANATORY NOTE

This Bill is the draft Bill proposed by the Ontario Committee on Portable Pensions.

BILL 89

1961-62

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and the Portability of Pension Benefits

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Central Pension Agency" means the Central Pension Agency established by the Parliament of Canada for the purposes of this Act;
- (b) "Commission" means the Pension Commission of Ontario;
- (c) "covered employee" means an employee who has attained the age of thirty years and who is a member of a mandatory group, and "covered employment" means employment as a covered employee;
- (d) "employee" means a resident who regularly performs service on a full or part-time basis under a written or oral contract of hiring, of service or of apprenticeship, and includes an officer of a corporation;
- (e) "employer" means,
 - (i) in relation to any employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation wherever incorporated carrying on business in Ontario from whom the employee receives his salary, wages, commission, pay and allowances, and
 - (ii) in relation to a mandatory group, a person, partnership, firm, association, institution or

other unincorporated organization or corporation wherever incorporated carrying on business in Ontario that employs a mandatory group,

and includes Her Majesty in right of Canada, Her Majesty in right of Ontario or an agent of Her Majesty;

R.S.O. 1960,
c. 73

(f) "mandatory group" means a group of fifteen or more resident employees employed by the same employer or by two or more employers that are or would be deemed not to deal with each other at arm's length under the provisions of section 1 of *The Corporations Tax Act*, and "non-mandatory group" means a group of fewer than fifteen resident employees who are so employed;

(g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

(h) "pension benefit" means the aggregate annual monthly or other periodic amounts to which a covered employee will become entitled at the retirement age under a pension plan, and "pension benefit credit" means the present value at a particular time of the pension benefits to which a covered employee has become entitled;

(i) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,

(i) a unit benefit plan under which pension benefits are determined with reference to the salary or wages of an employee for each year of service, or for a selected number of years of service,

(ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee, and

(iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount;

(j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with Part II;

(k) "regulations" means the regulations made under this Act;

(l) "resident" means,

(i) an individual who makes his home in Ontario or is ordinarily present in Ontario,

(ii) an individual who is ordinarily resident in a province of Canada that has enacted and proclaimed an Act in a form substantially similar to this Act containing a definition which is, *mutatis mutandis*, the same as this definition, who is employed by,

a. an individual resident in Ontario within the meaning of subclause i,

b. a partnership, firm, association or other unincorporated organization or institution the principal business or activity of which is carried on in Ontario,

c. a corporation wherever incorporated, more than 50 per cent of the income of which for a taxation year is subject to tax under *The Corporations Tax Act* as ^{R.S.O. 1960, c. 73} amended from time to time or which would be subject to tax thereunder but for subsection 29 of section 4 or section 43 or 45 of that Act,

and includes an individual who, having been a resident of Ontario, has entered into employment outside Canada as an employee of an employer described in clause e, but does not include a tourist, a transient or a temporary visitor to Ontario;

(m) "single life annuity" means an annuity payable to an employee during his lifetime after retirement;

(n) "Superintendent" means the Superintendent of Pensions.

PART I

ESTABLISHMENT OF PENSION COMMISSION

Pension Commission **2.** The Pension Commission of Ontario is hereby established.

Composition of Commission **3.**—(1) The Commission shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines.

Appointments (2) The members of the Commission shall be individuals appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman and one of whom shall be so designated as vice-chairman, and a member of the Commission shall hold office during pleasure.

Acting chairman (3) In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission may designate for such purpose shall act as and have the powers of the chairman.

Vacancies **4.** The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission.

Quorum **5.** Not less than one-half of the members of the Commission constitutes a quorum.

Job classification, etc. **6.**—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1960, c. 332, applicable (2) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security (3) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1960, c. 326

Function and powers of Commission **7.**—(1) It is the function of the Commission and it has power,

(a) to promote the establishment, extension and improvement of pension plans throughout Ontario;

- (b) to accept for registration all pension plans required to be registered or submitted for registration with the Commission under this Act;
- (c) to administer and enforce this Act, and to withdraw pension plan certificates of registration issued in respect of pension plans that,
 - (i) fail to meet the tests for solvency prescribed by the regulations, or
 - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to establish and assess fees for registration of pension plans and annual fees for the supervision of pension plans; and
- (f) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, enter into agreements with the authorized representatives of other provinces and of the Government of Canada to provide for the reciprocal payment and receipt of amounts as pension benefit credits for the account of employees who change their place of residence, and for reciprocal audit and inspection of pension plans. ^{Reciprocal agreements}

8.—(1) The Commission shall appoint a Superintendent of Pensions who shall be the chief administrative officer of the Commission. ^{Superintendent of Pensions}

(2) The Commission may establish such administrative divisions as may appear to be appropriate from time to time. ^{Divisions}

9. Moneys required for the purposes of the Commission, in addition to fees and charges assessed under clause e of subsection 1 of section 7, shall be paid out of the moneys appropriated therefor by the Legislature. ^{Appropriations}

10. The books and records of the Commission shall be examined annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council may designate. ^{Audit}

11.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. ^{Annual report}

Tabling

(2) A copy of the annual report shall be filed by the Minister with the Provincial Secretary who shall submit a copy of the report to the Lieutenant Governor in Council and shall then lay a copy of the report before the Assembly if it is in session or, if not, at the next ensuing session.

Conflict

12. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

PART II

REGISTRATION OF PENSION PLANS

Registration
of pension
plans

13.—(1) Every employer of a mandatory group shall,

- (a) on or before the 1st day of March, 1963, and annually thereafter, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the mandatory group at any time after the 31st day of December, 1960;
- (b) at the time of filing the initial information return described in clause *a*, file with the Commission a certified true copy of every pension plan administered by or on behalf of the employer or the mandatory group at any time after the 31st day of December, 1960;
- (c) if a pension plan is in force on the 31st day of March, 1963, amend the plan if necessary and file it for registration with the Commission before the 1st day of July, 1964, or so soon thereafter as the Commission may require, in order that the plan will qualify for registration under this Act and become operative in its amended form before the 1st day of January, 1965;
- (d) if no pension plan is in force on the 31st day of March, 1963, and continuously thereafter, establish a pension plan before the 1st day of January, 1965, which shall be filed with the Commission for registration and certification as a registered pension plan before the 1st day of July, 1964, or so soon thereafter as the Commission may require;
- (e) after the 31st day of December, 1964, require each covered employee, as a condition of his employment, to participate in the registered pension plan established for the mandatory group of which he is or is to be a member; and

- (f) after the 31st day of December, 1964, maintain the registered pension plan in force as a pension plan qualified for registration under section 16.

(2) If the pension plan submitted by him for registration under subsection 1 provides for annual pension benefits of lesser aggregate value than that provided under the plan in 1961, the employer of the mandatory group shall maintain the proportion that the cost of providing pension benefits to all employees who earn less than \$4,800 in 1961 is to the cost of providing pension benefits to all employees in that year. ^{Idem}

(3) Every employer of a non-mandatory group covered by a pension plan and every employer of a mandatory group covered by a supplementary pension plan that is not required to be registered under this Act shall, ^{Information to be filed}

(a) on or before the 1st day of March, 1963, file with the Commission an information return in prescribed form in respect of every pension plan administered by or on behalf of the employer or the group at any time after the 31st day of December, 1960;

(b) after the 31st day of December, 1964, maintain the solvency of every such pension plan as required by the regulations; and

(c) after the 31st day of December, 1964, furnish the same information to his employees that an employer of a mandatory group is required to furnish under clause g of section 16.

(4) Notwithstanding subsection 1, an employer of a mandatory group that becomes a non-mandatory group by reason of a reduction in the number of its members shall not be required, after the year in which the group ceases to be a mandatory group, to maintain the qualification of the pension plan administered on behalf of his covered employees as a registered pension plan. ^{When group ceases to be mandatory}

(5) After the 31st day of December, 1964,

(a) every employer of a non-mandatory group may elect to register the pension plan maintained by him for his employees, and in the event of such election the group shall be deemed to be a mandatory group under this Act;

(b) notwithstanding clause a, an employer may revoke his election at any time more than two years after

^{Election to register non-mandatory plan}

the date of making the election under clause *a*, and in the event of such revocation the election made under clause *a* shall cease to be effective one year after the date of revocation.

Concurrent
plans
combined

(6) For the purpose of subsection 1, two or more pension plans concurrently applicable to a mandatory group may be registered as a single plan.

Registration
of supple-
mentary
plan

(7) For the purpose of subsection 1 and section 16, where one or more pension plans are registered as a single plan, any additional or supplementary plan is not required to be registered under this Act.

Acceptance
of plans for
registration

14. The Commission shall accept for registration and issue its certificate in respect of each pension plan submitted for registration under section 13 that in the opinion of the Commission is a plan organized and administered in accordance with section 16.

Decision of
Commission

15. The Superintendent shall advise the Commission in writing of his opinion whether or not a pension plan is organized and administered in accordance with this Part after the pension plan is filed with the Commission for registration, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has advised the employer of its decision concerning registration of the plan by registered mail and thirty days have elapsed thereafter.

Minimum
terms and
conditions of
registered
pension
plans

16. The terms and conditions of every pension plan submitted for registration as required or permitted by section 13 shall, after the year 1964,

(a) require all covered employees to become members of the plan;

(b) require the irrevocable commitment of the employer's contributions, as required by clause *c*, for the provision or purchase of a pension benefit for each covered employee who has,

(i) been an employee of the employer for not less than a continuous period of, in the case of an employee aged under thirty-four years, two years, and, in the case of an employee aged thirty-four years or over, one year, and

- (ii) entered into an agreement under which he covenants that, in the event of termination of his employment for any cause, he shall not be entitled to withdraw his contribution to the pension plan except that permitted by clause e;

(c) require the employer,

- (i) to pay or credit irrevocably to the pension plan in the case of a covered employee who has attained the age of,

30 years	-	-	at least 20 per cent
31 years	-	-	at least 40 per cent
32 years	-	-	at least 60 per cent
33 years	-	-	at least 80 per cent
34 years	-	-	- - 100 per cent

of the pension benefit credit attributable to the employer's contributions after the year 1964 to the pension plan for the employee since he became a member of the mandatory group covered by the plan; and

- (ii) to pay or credit to the Central Pension Agency, if the Superintendent so requires in accordance with the regulations, an amount equal to the pension benefit credit to which each covered employee is entitled upon the date of termination of employment of such employee whose employment terminates after the year 1964 and prior to his attaining the retirement age established under the pension plan applicable to the mandatory group of which he was a member at that date;

(d) provide for the payment of a single life annuity based upon contributions to or under the pension plan in respect of covered employment after the year 1964 to each covered employee, commencing not later than seventy years of age, of an amount not less than, in the case of,

- (i) a unit benefit plan, one-half of 1 per cent of the monthly earnings for each year of covered employment, applied to the salary or wage earned up to \$400 per month,

- (ii) a money purchase plan, a pension derived from a total contribution of 4 per cent of the first \$4,800 of earnings per year,
- (iii) a flat rate plan related to each year of covered employment, \$2 per month for each such year, and
- (iv) a flat rate plan not related to each year of service, \$40 per month,

but, in the event of the death of an employee before the commencement of the payment of his pension benefits, the amount payable to his estate may be limited to the employee's contributions to the pension plan plus interest compounded annually at a rate not less than that prescribed by the regulations;

- (e) require each covered employee, as a condition of his employment, to agree that upon termination of his employment the maximum proportion of his contributions since the year 1964 to the pension plan that he is entitled to withdraw shall be, in the case of an employee under the age of thirty years, 100 per cent and, in the case of an employee who has attained the age of,

30 years	-	-	-	not more than 80 per cent
31 years	-	-	-	not more than 60 per cent
32 years	-	-	-	not more than 40 per cent
33 years	-	-	-	not more than 20 per cent
34 years and over				no part of such contributions;

- (f) provide for funding or make provision therefor, in accordance with the regulations, that is adequate to provide for payment of all pension benefits required to be paid under the terms of the plan; and
- (g) provide for a written explanation to each covered employee of the terms and conditions of the pension plan or plans and amendments thereto applicable to the mandatory group of which the employee is a member, together with an explanation in prescribed form of the rights and duties of the employee with reference to the pension benefit credits available to him under the terms of the pension plan.

Regulations

17. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

- (a) respecting methods of computing pension benefit credits and the pension benefits arising therefrom;
- (b) prohibiting or restricting the making and renewing of pension plan contracts that provide pension benefits of lesser value than pension benefits provided by a pension plan qualified for registration under this Act, and regulating the making and renewing of pension plans;
- (c) defining the conditions under which the Superintendent may require an employer to pay or credit an amount to the Central Pension Agency;
- (d) prescribing the conditions under which pension benefit credits may be retained by the administrator or trustee of a pension plan, or transferred to the administrator or trustee of another pension plan upon termination of employment of a covered employee; and
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

18. The Commission is not liable for any act or omission ^{Saving} of any trustee or administrator of a pension plan, or for or in respect of any default or breach of contract on the part of an employee or of any trustee, insurer or administrator of a pension plan.

PART III

ADMINISTRATION, ENFORCEMENT AND APPEAL

19.—(1) Every employer who contravenes section 13 is ^{Penalties} guilty of an offence and on summary conviction is liable to a fine for each day of default equal to not more than the daily amount required to be paid to maintain a registered pension plan for his employees plus not more than \$100 per day.

(2) Every person who contravenes any other provision of ^{Idem} this Act and the regulations or who obstructs an officer of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both.

(3) The fines recovered for offences against this Act shall ^{Disposition of fines} be paid over to the Commission, and fines imposed under

subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the covered employees of the payer.

Powers of Superintendent

(4) The Superintendent or his duly authorized representative may at any reasonable time,

(a) inspect the books, files, documents and other records kept by an employer or by the trustee of a pension plan respecting the pension plan; and

(b) require any employer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

Restriction of actions

(5) No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or in intended compliance with this Act.

Agreements re deductions void

(6) Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit the amount is void.

Evidence

20.—(1) No member of the Commission and no employee thereof shall be required to give testimony without the consent of the Commission in any civil action in which the Commission is not a party with regard to information obtained in the discharge of his duties.

Protection of Commission and employees

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations.

Notice of objection

21.—(1) Where the Commission refuses to accept for registration a pension plan submitted for registration under this Act, the employer may, within ninety days from the day of mailing of a notification of refusal of registration, serve on the Commission a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Variation of opinion by Commission

(3) Upon receipt of the notice of objection, the Commission shall with all due dispatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its action by registered mail.

22. Where an employer has served notice of objection under section 21, he may appeal to the Supreme Court of Ontario for an order requiring the Commission to accept the pension plan for registration under this Act after either, ^{Appeal to Supreme Court of Ontario}

- (a) the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or
- (b) ninety days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the employer under section 21 that the Commission has confirmed or varied its opinion.

23.—(1) An appeal to the Supreme Court shall be instituted by filing with the Registrar or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as may be determined by the rules. ^{Filing of notice of appeal}

(2) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. ^{Transmission of copies}

(3) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. ^{Documents}

24. An appeal may, in the discretion of the Supreme Court, be heard *in camera* or in public unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. ^{Hearings in camera}

25.—(1) The Supreme Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. ^{Disposition of appeals}

(2) Where the Supreme Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Supreme Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. ^{Conditions imposed by Court}

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

27. This Act may be cited as *The Pension Benefits Act*, 1961-62. ^{Short title}

An Act to provide for the Extension, Improvement and Solvency of Pension Plans and the Portability of Pension Benefits

1st Reading

March 6th, 1962

2nd Reading

3rd Reading

Mr. Edwards (Wentworth)

BILL 90

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Local Improvement Act

MR. CASS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. At present, objections to a work proposed under section 8 are filed with the Municipal Board. The amendment substitutes the clerk of the municipality.

Subsection 2. Under subsection 1 of section 8, a council may pass a by-law with the approval of the Board. The approval of the Board must be obtained before the by-law is finally passed. The amendment would authorize the final passing if it contains a provision that the by-law does not take effect until it is approved by the Board. This is similar to a provision in *The Ontario Municipal Board Act*.

SECTION 2. Section 51 provides for an appeal to the county judge and that the provisions of *The Assessment Act* as to appeals apply. The notice is required to be given to the assessment commissioner, if any. The amendment will require notices under section 51 to be given to the clerk.

BILL 90

1961-62

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 8 of *The Local Improvement Act* is amended by striking out "Board" in the seventh line and inserting in lieu thereof "clerk", so that the subsection shall read as follows: R.S.O. 1960, c. 223, s. 8, subs. 3, amended

(3) Where it is intended to proceed under this section, the council shall not be deemed to proceed on the initiative plan but there shall be published at least once a week for two weeks a notice of intention (Form 2) to apply to the Board for approval of the work being undertaken and any owner may within twenty-one days after the first publication of such notice file with the clerk his objection to the work being undertaken. Notice of application to Board

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 223, s. 8, amended

(7) The passing of a by-law to authorize the undertaking of a work under subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision that the by-law shall not take effect until approved by the Board. By-law not to be in contravention of subs. 1

2. Subsection 2 of section 51 of *The Local Improvement Act* is amended by adding at the end thereof "except that, in the case of an appeal by the owner of a lot specially assessed, the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner", so that the subsection shall read as follows: R.S.O. 1960, c. 223, s. 51, subs. 2, amended

(2) The provisions of *The Assessment Act* as to appeals to the judge apply to an appeal under subsection 1, except that, in the case of an appeal by the owner of Application of R.S.O. 1960, c. 23

a lot specially assessed, the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner.

**Commence-
ment** **3.—(1)** This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem (2) Section 2 comes into force on the 1st day of July, 1962.

Short title **4.** This Act may be cited as *The Local Improvement Amend-
ment Act, 1961-62*.

An Act to amend
The Local Improvement Act

1st Reading

March 6th, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 90

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

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(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 223, s. 8, amended

- (7) The passing of a by-law to authorize the undertaking of a work under subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision that the by-law shall not take effect until approved by the Board. By-law not to be in contravention of subs. 1

2. Subsection 2 of section 51 of *The Local Improvement Act* is amended by adding at the end thereof "except that, in the case of an appeal by the owner of a lot specially assessed, the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner", so that the subsection shall read as follows: R.S.O. 1960, c. 223, s. 51, subs. 2, amended

- (2) The provisions of *The Assessment Act* as to appeals to the judge apply to an appeal under subsection 1, except that, in the case of an appeal by the owner of Application of R.S.O. 1960, c. 23

a lot specially assessed, the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner.

**Commence-
ment** **3.—(1)** This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem **(2)** Section 2 comes into force on the 1st day of July, 1962.

Short title **4.** This Act may be cited as *The Local Improvement Amendment Act, 1961-62*.

Bill 90
An Act to amend
The Local Improvement Act

1st Reading

March 6th, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 91

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Jails Act

MR. HASKETT

AN ACT TO AMEND THE ACTS OF THE LEGISLATURE OF THE STATE OF MISSISSIPPI, PASSED AT THE REGULAR SESSION OF 1913, RELATIVE TO THE MAINTENANCE OF JAILS.

SECTION 1. The act to amend the acts of the legislature of the state of Mississippi, passed at the regular session of 1913, relative to the maintenance of jails, is amended so that it shall read as follows:

EXPLANATORY NOTE

The amendment provides for the payment to cities and counties that maintain jails of grants of 10 per cent of the annual cost of maintaining the jails.

BILL 91

1961-62

An Act to amend The Jails Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jails Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 195,
amended

8a.—(1) Subject to the approval of the Minister, a county or city that provides and maintains a jail shall be paid out of the moneys appropriated therefor by the Legislature a grant of 10 per cent of the annual cost of maintaining the jail to be computed in the manner prescribed by the regulations. Maintenance
grant

(2) For the purpose of subsection 1, the Lieutenant Governor in Council may make regulations, Regulations

(a) governing applications for grants and the manner, terms and conditions of payment of grants;

(b) prescribing the manner of computing the cost of maintaining jails;

(c) prescribing forms and providing for their use.

2. This Act comes into force on the 1st day of April, 1962. Commence-
ment

3. This Act may be cited as *The Jails Amendment Act*, Short title
1961-62.

An Act to amend The Jails Act

1st Reading

March 6th, 1962

2nd Reading

3rd Reading

MR. HASKETT

BILL 91

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Jails Act

MR. HASKETT

BILL 91

1961-62

An Act to amend The Jails Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jails Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 195,
amended

8a.—(1) Subject to the approval of the Minister, a county or city that provides and maintains a jail shall be paid out of the moneys appropriated therefor by the Legislature a grant of 10 per cent of the annual cost of maintaining the jail to be computed in the manner prescribed by the regulations. Maintenance
grant

(2) For the purpose of subsection 1, the Lieutenant Governor in Council may make regulations, Regulations

(a) governing applications for grants and the manner, terms and conditions of payment of grants;

(b) prescribing the manner of computing the cost of maintaining jails;

(c) prescribing forms and providing for their use.

2. This Act comes into force on the 1st day of April, 1962. Commence-
ment

3. This Act may be cited as *The Jails Amendment Act*, Short title
1961-62.

An Act to amend 'The Jails Act

1st Reading

March 6th, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

MR. HASKETT

BILL 92

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Municipal Unconditional Grants Act

MR. CASS

AMENDMENT TO THE ACT
RELATIVE TO THE HOSPITAL TREATMENT OF INDIGENT PERSONS

THE AMENDMENT PROVIDES FOR THE CONTINUANCE OF THE UNCONDITIONAL GRANTS IN RESPECT OF HOSPITAL TREATMENT OF INDIGENT PERSONS.

EXPLANATORY NOTE

The amendment provides for the continuance of the unconditional grants in respect of hospital treatment of indigent persons.

BILL 92

1961-62

**An Act to amend
The Municipal Unconditional Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Municipal Unconditional Grants Act*, R.S.O. 1960, c. 259, s. 8^a, as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61*, (1960-61, c. 60, s. 1), is amended by adding thereto amended the following subsection:

- (3) In the year 1962 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1962 be less than 70 per cent of the statutory payments made by the municipality with respect to that year nor in any case more than 100 per cent of such statutory payments. Grants re indigent hospitalization, 1962

2. This Act shall be deemed to have come into force on the 1st day of January, 1962. Commencement

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1961-62*. Short title

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

March 6th, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 92

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Municipal Unconditional Grants Act

MR. CASS

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BILL 92

1961-62

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8a of *The Municipal Unconditional Grants Act*, R.S.O. 1960, c. 259, s. 8a as enacted by section 1 of *The Municipal Unconditional Grants Amendment Act, 1960-61*, (1960-61, c. 60, s. 1), amended is amended by adding thereto the following subsection:

- (3) In the year 1962 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1962 be less than 70 per cent of the statutory payments made by the municipality with respect to that year nor in any case more than 100 per cent of such statutory payments. Grants re indigent hospitalization, 1962

2. This Act shall be deemed to have come into force on the 1st day of January, 1962. Commencement

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1961-62*. Short title

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

March 6th, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 93

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Highway Improvement Act

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that the control of Crown land acquired by the Minister of Highways otherwise than under subsection 1 of section 3 of the Act can be returned to the control of the Department of Lands and Forests by the procedure laid down by subsection 2.

SECTION 2. This amendment will make it possible for the Province to contribute up to 90 per cent (at present it is 80 per cent) of the cost of bridges and culverts in towns and villages with a population over 2,500, where the bridge or culvert is on a street that has been designated as a connecting link between parts of the King's Highway.

BILL 93

1961-62

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Highway Improvement Act* is amended by inserting after "of" in the first line "Crown" and by striking out "acquired under subsection 1" in the second line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 3,
subs. 2,
amended

- (2) Where the jurisdiction and control of Crown land or a part thereof is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon such land or part thereof is under the jurisdiction and control of the Department of Lands and Forests. Crown land
no longer
required

2. Subsection 7 of section 22 of *The Highway Improvement Act* is amended by striking out "80" in the eighth line and inserting in lieu thereof "90", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 22,
subs. 7,
amended

- (7) Notwithstanding clause *b* of subsection 6, where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500 and the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that is to be paid out of the moneys appropriated therefor Idem,
bridges
and
culverts

by the Legislature shall not exceed a sum equal to 90 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1962.

Short title

4. This Act may be cited as *The Highway Improvement Amendment Act, 1961-62.*

An Act to amend
The Highway Improvement Act

1st Reading

March 6th, 1962

2nd Reading

3rd Reading

MR. GOODFELLOW

BILL 93

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Highway Improvement Act

MR. GOODFELLOW

BILL 93

1961-62

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Highway Improvement Act* is amended by inserting after "of" in the first line "Crown" and by striking out "acquired under subsection 1" in the second line, so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 3,
subs. 2,
amended

- (2) Where the jurisdiction and control of Crown land or a part thereof is no longer required for the purposes of this Part, the Minister may, with the approval of the Minister of Lands and Forests, by a writing signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, deposited with the Minister of Lands and Forests and registered in the proper registry or land titles office, declare that the jurisdiction and control of the land or part thereof is no longer required and thereupon such land or part thereof is under the jurisdiction and control of the Department of Lands and Forests. Crown land
no longer
required

2. Subsection 7 of section 22 of *The Highway Improvement Act* is amended by striking out "80" in the eighth line and inserting in lieu thereof "90", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 22,
subs. 7,
amended

- (7) Notwithstanding clause *b* of subsection 6, where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500 and the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that is to be paid out of the moneys appropriated therefor Idem,
bridges
and
culverts

by the Legislature shall not exceed a sum equal to 90 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1962.

Short title

4. This Act may be cited as *The Highway Improvement Amendment Act, 1961-62*.



An Act to amend
The Highway Improvement Act

1st Reading

March 6th, 1962

2nd Reading

April 11th, 1962

3rd Reading

April 17th, 1962

MR. GOODFELLOW

BILL 94

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Public Parks Act

MR. CASS

EXPLANATORY NOTES

SECTION 1. The new subsections are to make it clear that a by-law adopting *The Public Parks Act* can be repealed with the assent of the electors and provide, on the dissolution of the board, for the transfer to the municipality of employees of the board.

SECTION 2. The new subsection 6 authorizes a board of park management to perform services for the municipality and other local boards, such as maintenance of grounds around buildings and boulevards, and to charge for such services.

The new subsection 7 makes the owner of a vehicle liable for violations of by-laws regulating parking in public parks.

SECTION 3. The subsection repealed limits the area that may be acquired for park purposes when parks are managed by a board of park management. No such limitation exists when parks are under the control of council.

BILL 94

1961-62

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Parks Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 329, s. 1,
amended

(6) A by-law passed under subsection 2 may be repealed with the assent of the electors qualified to vote at municipal elections. Repeal of
by-law

(7) When a by-law passed under subsection 2 is repealed, every officer and employee of the board of park management becomes a municipal employee and continues as such until removed by the council, unless his engagement sooner terminates. Employees
of board
become
municipal
employees on
dissolution
of board

2. Section 11 of *The Public Parks Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 329, s. 11,
amended

(6) The board may perform such services for the municipality or any other local board as it ordinarily performs in the general maintenance and operation of parks under the authority of this Act and may receive compensation for such services. Board
authorized
to perform
services

(7) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this section, and the owner of the vehicle is also liable to such a penalty unless, at the time the offence was committed, the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Owner and
driver of
vehicle
liable to
penalties

3. Subsection 2 of section 13 of *The Public Parks Act* is repealed. R.S.O. 1960,
c. 329, s. 13,
subs. 2,
repealed

R.S.O. 1960,
c. 329, s. 18,
subss. 3, 4,
re-enacted

4.—(1) Subsections 3 and 4 of section 18 of *The Public Parks Act* are repealed and the following substituted therefor:

Estimates
for park
purposes

- (3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, and shall include at least a sum which would be produced by a rate of one mill in the dollar upon the assessed value of all rateable property unless the sum required is less than that which would be produced by such a rate of one mill, in which case such lesser sum shall be included.

When rate
may be
increased

R.S.O. 1960,
c. 249

- (4) When the board manages, regulates and controls any undertaking established under paragraph 69 of section 377 of *The Municipal Act*, the rate mentioned in subsection 3 shall be two mills.

R.S.O. 1960,
c. 329, s. 18,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 18 is repealed and the following substituted therefor:

Issuing
debentures
for half
cost of park

- (6) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council,

(a) at the request of the board, shall issue debentures for the remaining one-half of the cost only if the annual sum required to meet the annual payments of interest and principal can be provided without exceeding the limit of one mill or two mills in the dollar, as the case may be, as provided in subsections 3 and 4; and

(b) notwithstanding that the annual sum required to meet the annual payments of interest and principal cannot be provided without exceeding the limit of one mill or two mills in the dollar, as the case may be, may issue debentures for the remaining one-half of the cost.

R.S.O. 1960,
c. 329, s. 18,
subs. 7,
amended

(3) Subsection 7 of the said section 18 is amended by striking out "in the dollar" in the seventh line and inserting in lieu thereof "or two mills in the dollar as provided in subsections 3 and 4", so that the subsection shall read as follows:

By-law,
when not
necessary
to submit
to electors

- (7) It is not necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual payments of interest and principal does not, with a reasonable

SECTION 4—Subsection 1. At present, council is required to levy up to one mill, or two mills in certain cases, for the purposes of a board of park management, but has no authority to levy a special rate in excess of these rates. Subsection 3, as re-enacted, retains the mandatory feature up to the specified limits, and council is given authority to levy a greater sum if required and included in the estimates of the board of park management.

Subsection 2. Under the present subsection 6, if one-half the cost of establishing a park is contributed by private subscription or otherwise, the board may require council to issue debentures for the remaining one-half of the cost. The subsection, as re-enacted, authorizes the council on its own initiative to raise the balance of the cost by issuing debentures.

Subsection 3. The amendment is to take into account the two-mill limit where a board of park management manages other undertakings established under paragraph 69 of section 377 of *The Municipal Act*.

allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill or two mills in the dollar as provided in subsections 3 and 4, notwithstanding any provisions to the contrary in *The Municipal Act* or any special Act relating to the municipality. R.S.O. 1960,
c. 249

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Public Parks Amendment Act*, 1961-62. Short title

An Act to amend
The Public Parks Act

1st Reading

March 8th, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 94

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Public Parks Act

MR. CASS

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BILL 94

1961-62

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Parks Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 329, s. 1, amended

- (6) A by-law passed under subsection 2 may be repealed with the assent of the electors qualified to vote at municipal elections. Repeal of by-law
- (7) When a by-law passed under subsection 2 is repealed, every officer and employee of the board of park management becomes a municipal employee and continues as such until removed by the council, unless his engagement sooner terminates. Employees of board become municipal employees on dissolution of board

2. Section 11 of *The Public Parks Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 329, s. 11, amended

- (6) The board may perform such services for the municipality or any other local board as it ordinarily performs in the general maintenance and operation of parks under the authority of this Act and may receive compensation for such services. Board authorized to perform services
- (7) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this section, and the owner of the vehicle is also liable to such a penalty unless, at the time the offence was committed, the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Owner and driver of vehicle liable to penalties

3. Subsection 2 of section 13 of *The Public Parks Act* is repealed. R.S.O. 1960, c. 329, s. 13, subs. 2, repealed

R.S.O. 1960,
c. 329, s. 18,
subss. 3, 4,
re-enacted

4.—(1) Subsections 3 and 4 of section 18 of *The Public Parks Act* are repealed and the following substituted therefor:

Estimates
for park
purposes

- (3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, and shall include at least a sum which would be produced by a rate of one mill in the dollar upon the assessed value of all rateable property unless the sum required is less than that which would be produced by such a rate of one mill, in which case such lesser sum shall be included.

When rate
may be
increased

R.S.O. 1960,
c. 249

- (4) When the board manages, regulates and controls any undertaking established under paragraph 69 of section 377 of *The Municipal Act*, the rate mentioned in subsection 3 shall be two mills.

R.S.O. 1960,
c. 329, s. 18,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 18 is repealed and the following substituted therefor:

Issuing
debentures
for half
cost of park

- (6) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council,

(a) at the request of the board, shall issue debentures for the remaining one-half of the cost only if the annual sum required to meet the annual payments of interest and principal can be provided without exceeding the limit of one mill or two mills in the dollar, as the case may be, as provided in subsections 3 and 4; and

(b) notwithstanding that the annual sum required to meet the annual payments of interest and principal cannot be provided without exceeding the limit of one mill or two mills in the dollar, as the case may be, may issue debentures for the remaining one-half of the cost.

R.S.O. 1960,
c. 329, s. 18,
subs. 7,
amended

(3) Subsection 7 of the said section 18 is amended by striking out "in the dollar" in the seventh line and inserting in lieu thereof "or two mills in the dollar as provided in subsections 3 and 4", so that the subsection shall read as follows:

By-law,
when not
necessary
to submit
to electors

- (7) It is not necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual payments of interest and principal does not, with a reasonable

allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill or two mills in the dollar as provided in subsections 3 and 4, notwithstanding any provisions to the contrary in *The Municipal Act* or any special Act relating to the municipality. R.S.O. 1960,
c. 249

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Public Parks Amendment Act, 1961-62*. Short title

An Act to amend
The Public Parks Act

1st Reading

March 8th, 1962

2nd Reading

March 12th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 95

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Hours of Work and Vacations with Pay Act

MR. DAVISON

EXPLANATORY NOTE

The Bill reduces the maximum working week from forty-eight hours to forty hours, and ensures that the reduction in hours does not affect the wages now earned in a maximum working week. The Industry and Labour Board is authorized to provide for a gradual transition.

BILL 95

1961-62

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 181, s. 1, amended

(dd) "regular weekly working hours" means the hours regularly worked in a week by employees without payment of an overtime rate of pay.

2. Subsection 1 of section 2 of *The Hours of Work and Vacations With Pay Act* is amended by striking out "forty-eight" in the third line and inserting in lieu thereof "forty", R.S.O. 1960, c. 181, s. 2, subs. 1, amended so that the subsection shall read as follows:

(1) Subject to this Act, the working hours of an employee in an industrial undertaking shall not exceed Limitation of hours of work eight in the day and forty in the week.

3.—(1) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty hours and the employee is paid at a rate other than an hourly or daily rate or for piece work, the employer shall not reduce the employee's rate of wages for the reason that the hours are reduced. When rate of wages not affected

(2) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty hours and the employee is paid at an hourly or daily rate or at a rate for piece work, the employer shall increase the rate by the same proportion as the number of regular weekly working hours bears to 40. When rate of wages converted

Board may
provide for
transition

4. Where the regular weekly working hours in an industrial undertaking or branch thereof are more than forty and the Board is satisfied that the coming into force of section 2 would work undue hardship, the Board may, by order, authorize a progressive reduction of the regular weekly working hours in the industrial undertaking or branch thereof, upon such terms and conditions as the Board deems advisable, but subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act*, as amended by section 2, shall be fully complied with not later than the 1st day of July, 1963.

R.S.O. 1960,
c. 181

Commence-
ment

5. This Act comes into force on the 1st day of July, 1962.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1961-62*.

An Act to amend The Hours of Work
and Vacations with Pay Act

1st Reading

March 9th, 1962

2nd Reading

3rd Reading

MR. DAVISON

BILL 96

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Energy Board Act

MR. MACAULAY

AN ACT TO AMEND THE RAILWAY ACT
 AND TO REPEAL THE RAILWAY ACT, 1903

Enacted by the Senate and House of Commons
 in the 31st year of the reign of Her Majesty Queen Elizabeth II.

EXPLANATORY NOTE

The purpose of this Bill is to clarify the rate-fixing provisions of the Act.

BILL 96

1961-62

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Ontario Energy Board Act* is ^{R.S.O. 1960,} amended by adding thereto the following subsections: ^{c. 271, s. 17,} amended

(1a) In approving or fixing just and reasonable rates and ^{Idem} other charges under subsection 1, the Board shall determine a rate base for the property of the transmitter, distributor or storage company that is used or potentially useful in the sale, transmission, distribution or storage of gas and shall determine whether the rate of return on such rate base produced or to be produced by such rates and other charges is reasonable.

(1b) The rate base to be determined by the Board under ^{Idem} subsection 1a shall be the total of,

(a) an amount for the property, plant and equipment equal to the actual cost thereof to the present owner, less depreciation, amortization and depletion, but,

(i) if the actual cost to the present owner of any property, plant or equipment cannot be ascertained, the amount to be included in the rate base as the actual cost thereof shall be calculated by the Board from the best available evidence, and

(ii) if the actual cost to the present owner of any property, plant or equipment was, in the opinion of the Board,

excessive, the amount to be included in the rate base as the actual cost thereof shall be such amount as the Board deems to be reasonable;

- (b) an amount that represents a reasonable allowance for working capital; and
- (c) such other amounts as, in the opinion of the Board, ought to be included.

Idem

(1c) Notwithstanding subsection 1a, the Board may dispense with the determination of a rate base,

- (a) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;
- (b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or
- (c) in the case of an order under subsection 4 of section 14 or subsection 4 of this section.

R.S.O. 1960,
c. 271, s. 17,
subss. 3, 4,
re-enacted

(2) Subsections 3 and 4 of the said section 17 are repealed and the following substituted therefor:

Idem

- (3) Subject to subsection 5, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of establishing that the rates or other charges proposed by the applicant are just and reasonable is on the applicant.

Idem

- (4) The Board may, at the request of any applicant, without a hearing, make one or more orders under subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

- (a) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company;

- (b) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;
 - (c) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;
 - (d) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or
 - (e) where the application does not request an increase in the rates or other charges presently charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.
- (5) The Board, of its own motion, may, and upon the ^{Idem} request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and may, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.
ment

3. This Act may be cited as *The Ontario Energy Board* ^{Short title} *Amendment Act, 1961-62.*

An Act to amend
The Ontario Energy Board Act

1st Reading

March 12th, 1962

2nd Reading

3rd Reading

MR. MACAULAY

BILL 96

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Ontario Energy Board Act

MR. MACAULAY

(Reprinted as amended by the Committee on Energy)

AN ACT TO AMEND THE RAILWAY ACT
IN RESPECT OF THE RATE-FIXING PROVISIONS

Enacted by the Senate and House of Commons
in the 41st year of the reign of King George VI.

EXPLANATORY NOTE

The purpose of this Bill is to clarify the rate-fixing provisions of the Act.

BILL 96

1961-62

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Ontario Energy Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 271, s. 17,
amended

(1a) Notwithstanding anything to the contrary, the Board Idem may dispense with the determination of a rate base,

(a) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(c) in the case of an order under subsection 4 of section 14 or subsection 4 of this section.

(2) Subsections 3 and 4 of the said section 17 are repealed and the following substituted therefor: R.S.O. 1960,
c. 271, s. 17,
subss. 3, 4,
re-enacted

(3) Subject to subsection 5, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. Idem

(4) The Board may, at the request of any applicant, without a hearing, make one or more orders under Idem

subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

- (a) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;
- (b) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;
- (c) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;
- (d) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or
- (e) where the application does not request an increase in the rates or other charges presently charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

- (5) The Board, of its own motion, may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and may, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1961-62*.

An Act to amend
The Ontario Energy Board Act

1st Reading

March 12th, 1962

2nd Reading

March 20th, 1962

3rd Reading

MR. MACAULAY

*(Reprinted as amended by the
Committee on Energy)*

BILL 96

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Ontario Energy Board Act

MR. MACAULAY

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BILL 96

1961-62

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Ontario Energy Board Act* is R.S.O. 1960,
c. 271, s. 17,
amended amended by adding thereto the following subsection:

(1a) Notwithstanding anything to the contrary, the Board *Idem* may dispense with the determination of a rate base,

(a) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(c) in the case of an order under subsection 4 of section 14 or subsection 4 of this section.

(2) Subsections 3 and 4 of the said section 17 are repealed R.S.O. 1960,
c. 271, s. 17,
subs. 3, 4,
re-enacted and the following substituted therefor:

(3) Subject to subsection 5, at any hearing with respect *Idem* to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant.

(4) The Board may, at the request of any applicant, *Idem* without a hearing, make one or more orders under

subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

- (a) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;
- (b) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;
- (c) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;
- (d) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or
- (e) where the application does not request an increase in the rates or other charges presently charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

- (5) The Board, of its own motion, may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and may, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be.

**Commence-
ment**

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1961-62*.

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An Act to amend
The Ontario Energy Board Act

1st Reading

March 12th, 1962

2nd Reading

March 20th, 1962

3rd Reading

April 17th, 1962

MR. MACAULAY

BILL 97

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Energy Act

MR. MACAULAY

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

THE UNITED STATES DEPARTMENT OF JUSTICE

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “contractor” is expanded.

Subsection 2. The definition of “corporation” in section 1 of the Act is deleted as it is not necessary.

Subsections 3, 4, 5. Self-explanatory.

BILL 97

1961-62

An Act to amend The Energy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 4 of section 1 of *The Energy Act* is amended by inserting after “installing” in the first line “removing”, so that the subparagraph shall read as amended follows:

- i. who carries on the business of installing, removing, repairing or servicing appliances, or

.

(2) Paragraph 5 of the said section 1 is repealed.

R.S.O. 1960,
c. 122, s. 1,
par. 5,
repealed

(3) Paragraph 7 of the said section 1 is amended by inserting after “gas” in the first line “or fuel oil”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 122, s. 1,
par. 7,
amended

- 7. “distributor” means a person who supplies gas or fuel oil to a consumer, and “distribute” and “distribution” have corresponding meanings.

(4) Paragraph 22 of the said section 1 is amended by inserting after “well” in the second line “or unit”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 122, s. 1,
par. 22,
amended

- 22. “producer” means a person who has the right to remove gas or oil from a well or unit, and “produce” and “production” have corresponding meanings except when referring to documents or records.

(5) Paragraph 29 of the said section 1 is amended by inserting after “gas” in the fourth line “or fuel oil”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 122, s. 1,
par. 29,
amended

29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil or the transmission of a hydrocarbon or the manufacture of manufactured gas.

R.S.O. 1960,
c. 122, s. 5,
subs. 1, cl. c, amended **2.**—(1) Clause *c* of subsection 1 of section 5 of *The Energy Act* is amended by inserting after "gas" in the first line "or fuel oil", so that the clause shall read as follows:

(c) transmit or distribute gas or fuel oil; or

R.S.O. 1960,
c. 122, s. 5,
subs. 1, cl. d, amended (2) Clause *d* of subsection 1 of the said section 5 is amended by inserting after "gas" in the first line "or fuel oil", so that the clause shall read as follows:

(d) transmit a hydrocarbon other than gas or fuel oil; or

R.S.O. 1960,
c. 122, s. 5,
subs. 3, amended (3) Subsection 3 of the said section 5 is amended by striking out "other than for exploring the sub-surface structure" in the first and second lines, so that the subsection shall read as follows:

Permit to bore or drill a well (3) No person shall bore or drill a well unless he is the holder of a permit for such purpose.

R.S.O. 1960,
c. 122, s. 5,
amended (4) The said section 5 is amended by adding thereto the following subsection:

Storage of gas (3b) No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under *The Ontario Energy Board Act*.

R.S.O. 1960,
c. 122, s. 5,
subs. 5, re-enacted (5) Subsection 5 of the said section 5 is repealed and the following substituted therefor:

Gas appliances (5) Subject to the regulations, no person shall buy, sell or install any appliance or any portable appliance or any appliance in a trailer or any other vehicle

SECTION 2—Subsection 1. This amendment broadens the licensing requirements to include fuel oil transmitters and distributors.

Subsection 2. This amendment provides for the licensing of transmitters of hydrocarbons other than gas or fuel oil.

Subsection 3. The exception is deleted.

Subsection 4. Self-explanatory.

Subsection 5. The scope of the provision is narrowed to buying, selling and installing gas appliances, and the expression "label" is substituted for "seal of approval".

Subsection 6. Self-explanatory.

SECTION 3—Subsection 1. The word “spacing” is substituted for “drainage” as being more appropriate.

Subsection 2. The clause is brought into line with subsection 5 of section 5 of the Act. See section 2 (5) of this Bill.

Subsection 3. The new paragraph will authorize the making of regulations under which the cost of completing or removing abandoned wells, etc., may be recovered.

Subsection 4. Self-explanatory.

where the appliance does not bear the label of an organization designated in the regulations or a label issued by the Minister.

(6) Subsection 10 of the said section 5 is amended by inserting after "gas" in the third line "or fuel oil", so that the subsection shall read as follows: R.S.O. 1960, c. 122, s. 5, subs. 10, amended

(10) A distributor shall have free access, at all reasonable Idem times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building, or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe.

3.—(1) Paragraph 14 of subsection 1 of section 9 of *The Energy Act*, as amended by subsection 2 of section 3 of *The Energy Amendment Act, 1960-61*, is repealed and the following R.S.O. 1960, c. 122, s. 9, subs. 1, par. 14, re-enacted substituted therefor:

14. to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

(2) Paragraph 21 of subsection 1 of the said section 9 is repealed and the following substituted therefor: R.S.O. 1960, c. 122, s. 9, subs. 1, par. 21, re-enacted

21. designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon.

(3) Subsection 1 of the said section 9 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 122, s. 9, subs. 1, amended

32a. authorizing the Minister to recover the cost of completing or removing works.

(4) Paragraph 36 of subsection 1 of the said section 9 is amended by inserting after "the" where it occurs the first time in the third line "leasing, exploration", so that the paragraph shall read as follows: R.S.O. 1960, c. 122, s. 9, subs. 1, par. 36, amended

36. requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas.

R.S.O. 1960,
c. 122, s. 10,
amended

4. Section 10 of *The Energy Act* is amended by adding at the end thereof "and 'corporation' includes a person, firm, partnership or syndicate", so that the section shall read as follows:

Interpre-
tation

10. In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons, and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal, and "corporation" includes a person, firm, partnership or syndicate.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Energy Amendment Act, 1961-62*.

SECTION 4. This amendment will clarify the intent.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
530 CHICAGO
CHICAGO, ILL.

TO THE EDITOR OF THE JOURNAL OF THE AMERICAN CHEMICAL SOCIETY
FROM DR. J. H. HARRIS

Enclosed for publication are two papers on the reaction of
nitrogen dioxide with carbon monoxide. The first paper
describes the reaction of nitrogen dioxide with carbon monoxide
in the presence of various catalysts. The second paper
describes the reaction of nitrogen dioxide with carbon monoxide
in the absence of catalysts. The results of these experiments
are given in the accompanying tables.

Very respectfully,
J. H. HARRIS

An Act to amend The Energy Act

1st Reading

March 13th, 1962

2nd Reading

3rd Reading

MR. MACAULAY

BILL 97

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Energy Act

MR. MACAULAY

OF THE
ROYAL SOCIETY OF LONDON

AND OF THE
ROYAL SOCIETY OF MEDICINE

NAME	AGE	
	1871	1872
1. J. H. B. 1871	1871	1872
2. J. H. B. 1872	1872	1873
3. J. H. B. 1873	1873	1874
4. J. H. B. 1874	1874	1875
5. J. H. B. 1875	1875	1876
6. J. H. B. 1876	1876	1877
7. J. H. B. 1877	1877	1878
8. J. H. B. 1878	1878	1879
9. J. H. B. 1879	1879	1880
10. J. H. B. 1880	1880	1881
11. J. H. B. 1881	1881	1882
12. J. H. B. 1882	1882	1883
13. J. H. B. 1883	1883	1884
14. J. H. B. 1884	1884	1885
15. J. H. B. 1885	1885	1886
16. J. H. B. 1886	1886	1887
17. J. H. B. 1887	1887	1888
18. J. H. B. 1888	1888	1889
19. J. H. B. 1889	1889	1890
20. J. H. B. 1890	1890	1891
21. J. H. B. 1891	1891	1892
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23. J. H. B. 1893	1893	1894
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26. J. H. B. 1896	1896	1897
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28. J. H. B. 1898	1898	1899
29. J. H. B. 1899	1899	1900
30. J. H. B. 1900	1900	1901
31. J. H. B. 1901	1901	1902
32. J. H. B. 1902	1902	1903
33. J. H. B. 1903	1903	1904
34. J. H. B. 1904	1904	1905
35. J. H. B. 1905	1905	1906
36. J. H. B. 1906	1906	1907
37. J. H. B. 1907	1907	1908
38. J. H. B. 1908	1908	1909
39. J. H. B. 1909	1909	1910
40. J. H. B. 1910	1910	1911
41. J. H. B. 1911	1911	1912
42. J. H. B. 1912	1912	1913
43. J. H. B. 1913	1913	1914
44. J. H. B. 1914	1914	1915
45. J. H. B. 1915	1915	1916
46. J. H. B. 1916	1916	1917
47. J. H. B. 1917	1917	1918
48. J. H. B. 1918	1918	1919
49. J. H. B. 1919	1919	1920
50. J. H. B. 1920	1920	1921
51. J. H. B. 1921	1921	1922
52. J. H. B. 1922	1922	1923
53. J. H. B. 1923	1923	1924
54. J. H. B. 1924	1924	1925
55. J. H. B. 1925	1925	1926
56. J. H. B. 1926	1926	1927
57. J. H. B. 1927	1927	1928
58. J. H. B. 1928	1928	1929
59. J. H. B. 1929	1929	1930
60. J. H. B. 1930	1930	1931
61. J. H. B. 1931	1931	1932
62. J. H. B. 1932	1932	1933
63. J. H. B. 1933	1933	1934
64. J. H. B. 1934	1934	1935
65. J. H. B. 1935	1935	1936
66. J. H. B. 1936	1936	1937
67. J. H. B. 1937	1937	1938
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69. J. H. B. 1939	1939	1940
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76. J. H. B. 1946	1946	1947
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78. J. H. B. 1948	1948	1949
79. J. H. B. 1949	1949	1950
80. J. H. B. 1950	1950	1951
81. J. H. B. 1951	1951	1952
82. J. H. B. 1952	1952	1953
83. J. H. B. 1953	1953	1954
84. J. H. B. 1954	1954	1955
85. J. H. B. 1955	1955	1956
86. J. H. B. 1956	1956	1957
87. J. H. B. 1957	1957	1958
88. J. H. B. 1958	1958	1959
89. J. H. B. 1959	1959	1960
90. J. H. B. 1960	1960	1961
91. J. H. B. 1961	1961	1962
92. J. H. B. 1962	1962	1963
93. J. H. B. 1963	1963	1964
94. J. H. B. 1964	1964	1965
95. J. H. B. 1965	1965	1966
96. J. H. B. 1966	1966	1967
97. J. H. B. 1967	1967	1968
98. J. H. B. 1968	1968	1969
99. J. H. B. 1969	1969	1970
100. J. H. B. 1970	1970	1971

BILL 97

1961-62

An Act to amend The Energy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 4 of section 1 of *The Energy Act* is amended by inserting after “installing” in the first line “removing”, so that the subparagraph shall read as follows: R.S.O. 1960,
c. 122, s. 1,
par. 4,
subpar. i,
amended

- i. who carries on the business of installing, removing, repairing or servicing appliances, or

.

(2) Paragraph 5 of the said section 1 is repealed.

R.S.O. 1960
c. 122, s. 1,
par. 5,
repealed

(3) Paragraph 7 of the said section 1 is amended by inserting after “gas” in the first line “or fuel oil”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 122, s. 1,
par. 7,
amended

7. “distributor” means a person who supplies gas or fuel oil to a consumer, and “distribute” and “distribution” have corresponding meanings.

(4) Paragraph 22 of the said section 1 is amended by inserting after “well” in the second line “or unit”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 122, s. 1,
par. 22,
amended

22. “producer” means a person who has the right to remove gas or oil from a well or unit, and “produce” and “production” have corresponding meanings except when referring to documents or records.

(5) Paragraph 29 of the said section 1 is amended by inserting after “gas” in the fourth line “or fuel oil”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 122, s. 1,
par. 29,
amended

29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil or the transmission of a hydrocarbon or the manufacture of manufactured gas.

R.S.O. 1960,
c. 122, s. 5,
subs. 1, cl. c,
amended

- 2.—(1) Clause *c* of subsection 1 of section 5 of *The Energy Act* is amended by inserting after "gas" in the first line "or fuel oil", so that the clause shall read as follows:

(c) transmit or distribute gas or fuel oil; or

R.S.O. 1960,
c. 122, s. 5,
subs. 1, cl. d,
amended

- (2) Clause *d* of subsection 1 of the said section 5 is amended by inserting after "gas" in the first line "or fuel oil", so that the clause shall read as follows:

(d) transmit a hydrocarbon other than gas or fuel oil; or

R.S.O. 1960,
c. 122, s. 5,
subs. 3,
amended

- (3) Subsection 3 of the said section 5 is amended by striking out "other than for exploring the sub-surface structure" in the first and second lines, so that the subsection shall read as follows:

Permit to
bore or drill
a well

- (3) No person shall bore or drill a well unless he is the holder of a permit for such purpose.

R.S.O. 1960,
c. 122, s. 5,
amended

- (4) The said section 5 is amended by adding thereto the following subsection:

Storage
of gas

- (3b) No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under *The Ontario Energy Board Act*.

R.S.O. 1960,
c. 271

R.S.O. 1960,
c. 122, s. 5,
subs. 5,
re-enacted

- (5) Subsection 5 of the said section 5 is repealed and the following substituted therefor:

Gas
appliances

- (5) Subject to the regulations, no person shall buy, sell or install any appliance or any portable appliance or any appliance in a trailer or any other vehicle

where the appliance does not bear the label of an organization designated in the regulations or a label issued by the Minister.

(6) Subsection 10 of the said section 5 is amended by inserting after "gas" in the third line "or fuel oil", so that the subsection shall read as follows: R.S.O. 1960,
c. 122, s. 5,
subs. 10,
amended

(10) A distributor shall have free access, at all reasonable Idem times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building, or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe.

3.—(1) Paragraph 14 of subsection 1 of section 9 of *The Energy Act*, as amended by subsection 2 of section 3 of *The Energy Amendment Act, 1960-61*, is repealed and the following R.S.O. 1960,
c. 122, s. 9,
subs. 1,
par. 14,
re-enacted substituted therefor:

14. to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

(2) Paragraph 21 of subsection 1 of the said section 9 is repealed and the following substituted therefor: R.S.O. 1960,
c. 122, s. 9,
subs. 1,
par. 21,
re-enacted

21. designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon.

(3) Subsection 1 of the said section 9 is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 122, s. 9,
subs. 1,
amended

32a. authorizing the Minister to recover the cost of completing or removing works.

(4) Paragraph 36 of subsection 1 of the said section 9 is amended by inserting after "the" where it occurs the first time in the third line "leasing, exploration", so that the paragraph shall read as follows: R.S.O. 1960,
c. 122, s. 9,
subs. 1,
par. 36,
amended

36. requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas.

R.S.O. 1960,
c. 122, s. 10,
amended

4. Section 10 of *The Energy Act* is amended by adding at the end thereof "and 'corporation' includes a person, firm, partnership or syndicate", so that the section shall read as follows:

Interpre-
tation

10. In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons, and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal, and "corporation" includes a person, firm, partnership or syndicate.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Energy Amendment Act, 1961-62*.

1st Reading

March 13th, 1962

2nd Reading

March 20th, 1962

3rd Reading

April 17th, 1962

MR. MACAULAY

BILL 98

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Planning Act

MR. CASS

EXPLANATORY NOTES

SECTION 1. Subsection 9 is added so that counties may be included in planning organization.

SECTION 2. The new section provides for the payment of members of planning boards. A complementary amendment is to be made to section 407 of *The Municipal Act*.

SECTION 3. The amendments make the provisions of section 14 with respect to the amendment of official plans applicable to the repeal of an official plan.

BILL 98

1961-62

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 2, amended

(9) For the purposes of this section, "municipality" includes a county. Interpretation

2. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960, c. 296, amended

7a. A planning board may provide for the payment of salaries, expenses or allowances for the members thereof and shall include its financial requirement therefor in its estimates under section 7. Remuneration for members of planning boards

3.—(1) Subsection 1 of section 14 of *The Planning Act* is amended by inserting after "thereto" in the second line "or the repeal thereof" and by inserting after "amendment" in the fourth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 14, subs. 1, amended

(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto or the repeal thereof, provided that the Minister may, subject to subsection 2, approve any amendment or repeal that may be proposed by the council of any municipality. Amendments and repeal

(2) Subsection 2 of the said section 14 is amended by inserting after "amendment" in the first line and in the fifth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 14, subs. 2, amended

(2) Before approving an amendment or repeal initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the Conditions for Minister's approval

proposal and, if the planning board does not concur in the proposal, the Minister shall not approve the amendment or repeal unless it has been adopted by a vote of two-thirds of all the members of the council.

R.S.O. 1960,
c. 296, ss. 17,
18, repealed

4. Sections 17 and 18 of *The Planning Act* are repealed.

R.S.O. 1960,
c. 296, s. 28,
amended

5.—(1) Section 28 of *The Planning Act* is amended by adding thereto the following subsection:

Amounts
for park
purposes
paid into
special
account

(9a) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park purposes and may pay into the fund provided for in subsection 10 the sum so included in the estimates, and any person may pay any sum into the same fund.

R.S.O. 1960,
c. 296, s. 28,
subs. 10,
amended

(2) Subsection 10 of the said section 28 is amended by striking out "subsection 8" in the first and second lines and inserting in lieu thereof "subsections 8 and 9a" and by striking out "purchase" in the fifth line and inserting in lieu thereof "acquisition", so that the subsection shall read as follows:

Special
account

(10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, shall be paid into a special account and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 408

6.—(1) Subsection 5 of section 30 of *The Planning Act* is amended by inserting after "by-law" in the third line "and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined", so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 5,
amended

Use of maps

(5) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

SECTION 4. These sections are re-enacted as Part IV of the Act. See section 8 of this Bill.

SECTION 5. Under subsection 10 of section 28 a special account must be set up into which moneys received from a cash payment in lieu of a conveyance of 5 per cent of the land and moneys from the sale of lands dedicated for public highways, etc., under subsection 5 must be paid. Such moneys can be used only with the approval of the Minister for the purchase of land for public purposes. The new subsection 9a authorizes the municipality or any person to pay moneys into such fund. The word "acquisition" is substituted for "purchase" in subsection 10 so that such funds can be used to expropriate as well as purchase lands for public purposes.

SECTION 6—Subsection 1. At present, maps may be used to define land mentioned in zoning by-laws. The amendment authorizes the Municipal Board to require the use of maps when an application for approval of a by-law is received.

Subsection 2. The amendment is for purposes of clarification.

Subsection 3. At present, the Board may direct only the special form of notice to provide for filing objections in respect of a particular application. The subsection, as amended, would authorize the Board to give a general direction.

SECTION 7—Subsection 1. The amendment authorizes a building inspector to refuse a permit for a building that, although it may comply with the by-laws of the municipality, does not comply with the laws of other legislative authorities in force in the municipality.

Subsection 2. The amendment authorizes municipalities to issue permits without which no building or structure may be removed or wrecked.

(2) Subsection 10 of the said section 30 is amended by ^{R.S.O. 1960, c. 296, s. 30, subs. 10, amended} inserting after "Board" in the third line "except a by-law passed pursuant to an order of the Municipal Board made under subsection 19", so that the subsection shall read as follows:

- (10) No part of any by-law that repeals or amends a ^{Repeal or amendment} by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

(3) Subsection 11b of the said section 30, as enacted by ^{R.S.O. 1960, c. 296, s. 30, subs. 11b (1960-61), c. 76, s. 3, amended} section 3 of *The Planning Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows:

- (11b) The Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law. ^{Notice to provide for filing of objections}

7.—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act* is amended by adding at the end thereof "or of ^{R.S.O. 1960, c. 296, s. 31, subs. 1, par. 1, amended} a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality", so that the paragraph shall read as follows:

1. For regulating the size and strength of frame, ^{Size and strength of walls, etc., and production of plans} wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality.

(2) Paragraph 7 of subsection 1 of the said section 31 is ^{R.S.O. 1960, c. 296, s. 31, subs. 1, par. 7, re-enacted} repealed and the following substituted therefor:

Regulating
removal and
wrecking of
buildings and
structures

7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 22,
re-enacted

(3) Paragraph 22 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

Building
codes

22. For the purposes of any by-law passed under this section or a predecessor of this section, for adopting with such changes as the council may consider necessary by including in the by-law in whole or in part the National Building Code of Canada and in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada).

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
amended

(4) Subsection 1 of the said section 31 is amended by adding thereto the following paragraph:

Certificate
of com-
pliance and
prohibiting
use of
buildings
not in
compliance
with by-laws

24. For requiring persons,

- (a) who have caused a building or structure to be erected, altered or repaired without having first obtained a permit so to do where such a permit is required; or
- (b) who having obtained a permit have caused a building or structure to be erected, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such buildings comply with the by-laws of the municipality if they do not so comply and in any case to obtain a certificate of compliance from the building inspector and for charging fees for such certificates and for prohibiting the use of such a building or structure by such persons until a certificate of compliance has been obtained.

R.S.O. 1960,
c. 296,
amended

8. *The Planning Act* is amended by striking out "PART IV" preceding section 33 and inserting in lieu thereof "PART V" and by adding thereto the following Part:

Subsection 3. The paragraph is re-enacted to make it clear that a code may be adopted only by including it in the by-law.

Subsection 4. Municipalities are authorized to pass by-laws with respect to the subject-matter of the new paragraph 24.

SECTION 8. Part IV is a re-enactment of the former sections 17 and 18 to permit a municipality that does not have an official plan but in which a restricted area by-law is in force to constitute a committee of adjustment. As official plans and restricted area by-laws are dealt with in different parts of the Act, sections 17 and 18 providing for committees of adjustment are re-enacted as sections 32*a* and 32*b* in a new Part IV.

At present, only the owner of land affected by the by-law may make application to the committee. This right is extended to persons authorized in writing by the owner.

In appeals from a committee of adjustment, the notice of appeal is now required to be sent to the Minister. Subsections 12 and 13 of section 32*b* provide that the notice of appeal shall be sent to the secretary-treasurer of the committee instead of the Minister.

PART IV

COMMITTEES OF ADJUSTMENT

32a.—(1) If a municipality has passed a by-law under section 30 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable. ^{Establishment of committees of adjustment}

(2) In subsection 3, "employee" does not include a teacher employed by a board of education or school board. ^{Interpretation}

(3) Every appointment to a committee of adjustment is subject to the approval of the Minister, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment. ^{Appointments subject to approval}

(4) Appointments to the committee shall be for a term of three years, except that on the first appointment the council shall designate members who shall hold office, ^{Term of office}

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

(5) Members of the committee shall hold office until their successors are appointed and approved, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. ^{Idem}

(6) A majority of the members of the committee constitutes a quorum. ^{Quorum}

(7) Subject to subsection 6, a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. ^{Vacancy not to impair powers}

Chairman (8) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.

Employees (9) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.

Remuneration (10) The members of the committee shall be paid such compensation as the council may provide.

Filing of documents, etc. (11) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents.

R.S.O. 1960,
c. 249

Rules of procedure (12) The committee shall adopt such rules of procedure as are approved by the Minister, and no committee shall hear or determine any matter unless such rules have heretofore been or are hereafter so adopted and approved, and such rules may be amended with the approval of the Minister.

Revision of rules of procedure (13) The Minister may require a committee to amend or revise its rules of procedure and, if the committee fails to comply with such requirement within the time limited by the Minister, it is without jurisdiction to hear or determine any matter until its rules are amended or revised and approved by the Minister.

Powers of committee, general

32b.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law or any person authorized in writing by the owner, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,

- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;
- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan, if any; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.
- (3) The hearing on any application shall be held within ^{Time for} thirty days after the application is received by the secretary-treasurer. ^{hearing}
- (4) The committee, before hearing an application, shall ^{Notice of} give notice thereof in such manner and to such persons as the committee deems proper. ^{hearing}
- (5) The committee may require that a fee of not more ^{Fees} than \$25 be paid on every application.

Hearing (6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths (7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision (8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions in decision (9) Any authority or permission granted by the committee may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision.

Notice of decision (10) The secretary-treasurer shall send by registered mail,

- (a) two copies of the decision, certified by him, to the Minister; and
- (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

Additional material (11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:

1. The application to the committee of adjustment, certified by the secretary-treasurer.
2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.

4. A list of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All relevant documents, including any maps or sketches showing the land, building or structure concerned.

(12) The applicant, the Minister or any other person who ^{Appeal} has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Municipal Board and to the secretary-treasurer of the committee of adjustment, within fourteen days after the sending of the notice under subsection 10.

(13) If within such fourteen days no notice of appeal is ^{Where no appeal} given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

(14) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(15) The Municipal Board may dismiss the appeal and ^{Powers of Municipal Board} may make any decision that the committee could have made on the original application.

(16) The costs on the appeal are in the discretion of the ^{Costs} Municipal Board.

(17) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.

(18) The secretary-treasurer shall send to the applicant a ^{Idem} copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

9. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

10. This Act may be cited as *The Planning Amendment* ^{Short title} Act, 1961-62.

1st Reading

March 13th, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 98

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Planning Act

MR. CASS

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. Subsection 9 is added so that counties may be included in planning organization.

SECTION 2. The new section provides for the payment of members of planning boards. A complementary amendment is to be made to section 407 of *The Municipal Act*.

SECTION 3. The amendments make the provisions of section 14 with respect to the amendment of official plans applicable to the repeal of an official plan.

BILL 98

1961-62

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 296, s. 2,
amended

(9) For the purposes of this section, "municipality" Interpre-
tation includes a county.

2. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 296,
amended

7a. A planning board may provide for the payment of salaries, expenses or allowances for the members thereof and shall include its financial requirement therefor in its estimates under section 7. Remunera-
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members
of planning
boards

3.—(1) Subsection 1 of section 14 of *The Planning Act* is amended by inserting after "thereto" in the second line "or the repeal thereof" and by inserting after "amendment" in the fourth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 14,
subs. 1,
amended

(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto or the repeal thereof, provided that the Minister may, subject to subsection 2, approve any amendment or repeal that may be proposed by the council of any municipality. Amend-
ments and
repeal

(2) Subsection 2 of the said section 14 is amended by inserting after "amendment" in the first line and in the fifth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 14,
subs. 2,
amended

(2) Before approving an amendment or repeal initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the Conditions
for
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proposal and, if the planning board does not concur in the proposal, the Minister shall not approve the amendment or repeal unless it has been adopted by a vote of two-thirds of all the members of the council.

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5.—(1) Section 28 of *The Planning Act* is amended by adding thereto the following subsection:

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(9a) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park purposes and may pay into the fund provided for in subsection 10 the sum so included in the estimates, and any person may pay any sum into the same fund.

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c. 296, s. 28,
subs. 10,
amended

(2) Subsection 10 of the said section 28 is amended by striking out "subsection 8" in the first and second lines and inserting in lieu thereof "subsections 8 and 9a" and by striking out "purchase" in the fifth line and inserting in lieu thereof "acquisition", so that the subsection shall read as follows:

Special
account

(10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, shall be paid into a special account and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 408

R.S.O. 1960,
c. 296, s. 30,
subs. 5,
amended

6.—(1) Subsection 5 of section 30 of *The Planning Act* is amended by inserting after "by-law" in the third line "and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined", so that the subsection shall read as follows:

Use of maps

(5) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

SECTION 4. These sections are re-enacted as Part IV of the Act. See section 8 of this Bill.

SECTION 5. Under subsection 10 of section 28 a special account must be set up into which moneys received from a cash payment in lieu of a conveyance of 5 per cent of the land and moneys from the sale of lands dedicated for public highways, etc., under subsection 5 must be paid. Such moneys can be used only with the approval of the Minister for the purchase of land for public purposes. The new subsection 9a authorizes the municipality or any person to pay moneys into such fund. The word "acquisition" is substituted for "purchase" in subsection 10 so that such funds can be used to expropriate as well as purchase lands for public purposes.

SECTION 6—Subsection 1. At present, maps may be used to define land mentioned in zoning by-laws. The amendment authorizes the Municipal Board to require the use of maps when an application for approval of a by-law is received.

Subsection 2. The amendment is for purposes of clarification.

Subsection 3. At present, the Board may direct only the special form of notice to provide for filing objections in respect of a particular application. The subsection, as amended, would authorize the Board to give a general direction.

SECTION 7—Subsection 1. The amendment authorizes a building inspector to refuse a permit for a building that, although it may comply with the by-laws of the municipality, does not comply with the laws of other legislative authorities in force in the municipality.

Subsection 2. The amendment authorizes municipalities to issue permits without which no building or structure may be removed or wrecked.

(2) Subsection 10 of the said section 30 is amended by inserting after "Board" in the third line "except a by-law passed pursuant to an order of the Municipal Board made under subsection 19", so that the subsection shall read as follows:

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c. 296, s. 30,
subs. 10,
amended

(10) No part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

Repeal or
amendment

(3) Subsection 11b of the said section 30, as enacted by section 3 of *The Planning Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 11b
(1960-61,
c. 76, s. 3),
amended

(11b) The Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

Notice to
provide for
filing of
objections

7.—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act* is amended by adding at the end thereof "or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 1,
amended

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality.

Size and
strength of
walls, etc.,
and pro-
duction
of plans

(2) Paragraph 7 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 7,
re-enacted

Regulating
removal and
wrecking of
buildings and
structures

7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 22,
re-enacted

(3) Paragraph 22 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

Building
codes

22. For the purposes of any by-law passed under this section or a predecessor of this section, for adopting with such changes as the council may consider necessary by including in the by-law in whole or in part the National Building Code of Canada and in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada).

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
amended

(4) Subsection 1 of the said section 31 is amended by adding thereto the following paragraph:

Certificate
of compliance
and prohibiting
use of
buildings
not in
compliance
with by-laws

24. For requiring persons,

- (a) who have caused a building or structure to be erected, altered or repaired without having first obtained a permit so to do where such a permit is required; or
- (b) who having obtained a permit have caused a building or structure to be erected, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such buildings comply with the by-laws of the municipality if they do not so comply and in any case to obtain a certificate of compliance from the building inspector and for charging fees for such certificates and for prohibiting the use of such a building or structure by such persons until a certificate of compliance has been obtained.

R.S.O. 1960,
c. 296,
amended

8. *The Planning Act* is amended by striking out "PART IV" preceding section 33 and inserting in lieu thereof "PART V" and by adding thereto the following Part:

Subsection 3. The paragraph is re-enacted to make it clear that a code may be adopted only by including it in the by-law.

Subsection 4. Municipalities are authorized to pass by-laws with respect to the subject-matter of the new paragraph 24.

SECTION 8. Part IV is a re-enactment of the former sections 17 and 18 to permit a municipality that does not have an official plan but in which a restricted area by-law is in force to constitute a committee of adjustment. As official plans and restricted area by-laws are dealt with in different parts of the Act, sections 17 and 18 providing for committees of adjustment are re-enacted as sections 32*a* and 32*b* in a new Part IV.

At present, only the owner of land affected by the by-law may make application to the committee. This right is extended to persons authorized in writing by the owner.

In appeals from a committee of adjustment, the notice of appeal is now required to be sent to the Minister. Subsections 12 and 13 of section 32*b* provide that the notice of appeal shall be sent to the secretary-treasurer of the committee instead of the Minister.

1871

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PART IV

COMMITTEES OF ADJUSTMENT

32a.—(1) If a municipality has passed a by-law under section 30 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable. ^{Establishment of committees of adjustment}

(2) In subsection 3, "employee" does not include a teacher employed by a board of education or school board. ^{Interpretation}

(3) Every appointment to a committee of adjustment is subject to the approval of the Minister, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment. ^{Appointments subject to approval}

(4) Appointments to the committee shall be for a term of three years, except that on the first appointment the council shall designate members who shall hold office, ^{Term of office}

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

(5) Members of the committee shall hold office until their successors are appointed and approved, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. ^{Idem}

(6) A majority of the members of the committee constitutes a quorum. ^{Quorum}

(7) Subject to subsection 6, a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. ^{Vacancy not to impair powers}

Chairman (8) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.

Employees (9) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.

Remuneration (10) The members of the committee shall be paid such compensation as the council may provide.

Filing of documents, etc. (11) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents.

R.S.O. 1960,
c. 249

Rules of procedure (12) The committee shall adopt such rules of procedure as are approved by the Minister, and no committee shall hear or determine any matter unless such rules have heretofore been or are hereafter so adopted and approved, and such rules may be amended with the approval of the Minister.

Revision of rules of procedure (13) The Minister may require a committee to amend or revise its rules of procedure and, if the committee fails to comply with such requirement within the time limited by the Minister, it is without jurisdiction to hear or determine any matter until its rules are amended or revised and approved by the Minister.

Powers of committee, general

32b.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan or is passed under section 30, or a predecessor of such section, or any person authorized in writing by the owner, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued

until the date of the application to the committee, may permit,

- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
- (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;
- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan, if any; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

(3) The hearing on any application shall be held within ^{Time for hearing} thirty days after the application is received by the secretary-treasurer.

(4) The committee, before hearing an application, shall ^{Notice of hearing} give notice thereof in such manner and to such persons as the committee deems proper.

(5) The committee may require that a fee of not more ^{Fees} than \$25 be paid on every application.

- Hearing** (6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.
- Oaths** (7) The chairman, or in his absence the acting chairman, may administer oaths.
- Decision** (8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- Conditions in decision** (9) Any authority or permission granted by the committee may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision.
- Notice of decision** (10) The secretary-treasurer shall send by registered mail,
- (a) two copies of the decision, certified by him, to the Minister; and
 - (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,
- together with a notice of the last day for appealing to the Municipal Board.
- Additional material** (11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:
- 1. The application to the committee of adjustment, certified by the secretary-treasurer.
 - 2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
 - 3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.

4. A list of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All relevant documents, including any maps or sketches showing the land, building or structure concerned.

(12) The applicant, the Minister or any other person who ^{Appeal} has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Municipal Board and to the secretary-treasurer of the committee of adjustment, within fourteen days after the sending of the notice under subsection 10.

(13) If within such fourteen days no notice of appeal is ^{Where no appeal} given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

(14) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(15) The Municipal Board may dismiss the appeal and ^{Powers of Municipal Board} may make any decision that the committee could have made on the original application.

(16) The costs on the appeal are in the discretion of the ^{Costs} Municipal Board.

(17) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.

(18) The secretary-treasurer shall send to the applicant a ^{Idem} copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

9. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

10. This Act may be cited as *The Planning Amendment* ^{Short title} Act, 1961-62.

1st Reading

March 13th, 1962

2nd Reading

March 20th, 1962

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Municipal Law)

BILL 98

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Planning Act

MR. CASS

BILL 98

1961-62

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 2, amended

(9) For the purposes of this section, "municipality" includes a county. Interpretation

2. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960, c. 296, amended

7a. A planning board may provide for the payment of salaries, expenses or allowances for the members thereof and shall include its financial requirement therefor in its estimates under section 7. Remuneration for members of planning boards

3.—(1) Subsection 1 of section 14 of *The Planning Act* is amended by inserting after "thereto" in the second line "or the repeal thereof" and by inserting after "amendment" in the fourth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 14, subs. 1, amended

(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto or the repeal thereof, provided that the Minister may, subject to subsection 2, approve any amendment or repeal that may be proposed by the council of any municipality. Amendments and repeal

(2) Subsection 2 of the said section 14 is amended by inserting after "amendment" in the first line and in the fifth line "or repeal", so that the subsection shall read as follows: R.S.O. 1960, c. 296, s. 14, subs. 2, amended

(2) Before approving an amendment or repeal initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the Conditions for Minister's approval

proposal and, if the planning board does not concur in the proposal, the Minister shall not approve the amendment or repeal unless it has been adopted by a vote of two-thirds of all the members of the council.

R.S.O. 1960,
c. 296, ss. 17,
18, repealed

4. Sections 17 and 18 of *The Planning Act* are repealed.

R.S.O. 1960,
c. 296, s. 28,
amended

5.—(1) Section 28 of *The Planning Act* is amended by adding thereto the following subsection:

Amounts
for park
purposes
paid into
special
account

(9a) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park purposes and may pay into the fund provided for in subsection 10 the sum so included in the estimates, and any person may pay any sum into the same fund.

R.S.O. 1960,
c. 296, s. 28,
subs. 10,
amended

(2) Subsection 10 of the said section 28 is amended by striking out "subsection 8" in the first and second lines and inserting in lieu thereof "subsections 8 and 9a" and by striking out "purchase" in the fifth line and inserting in lieu thereof "acquisition", so that the subsection shall read as follows:

Special
account

(10) All moneys received by the municipality under subsections 8 and 9a, and all moneys received on the sale of land under subsection 9, shall be paid into a special account and the moneys in such special account shall be expended only for the acquisition, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 408

R.S.O. 1960,
c. 296, s. 30,
subs. 5,
amended

6.—(1) Subsection 5 of section 30 of *The Planning Act* is amended by inserting after "by-law" in the third line "and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined", so that the subsection shall read as follows:

Use of maps

(5) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

(2) Subsection 10 of the said section 30 is amended by inserting after "Board" in the third line "except a by-law passed pursuant to an order of the Municipal Board made under subsection 19", so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 10,
amended

(10) No part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 19, comes into force without the approval of the Municipal Board.

Repeal or
amendment

(3) Subsection 11b of the said section 30, as enacted by section 3 of *The Planning Amendment Act, 1960-61*, is amended by striking out "Upon any application" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 296, s. 30,
subs. 11b
(1960-61,
c. 76, s. 3),
amended

(11b) The Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

Notice to
provide for
filing of
objections

7.—(1) Paragraph 1 of subsection 1 of section 31 of *The Planning Act* is amended by adding at the end thereof "or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 1,
amended

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality or the laws of Ontario or Canada in force in the municipality.

Size and
strength of
walls, etc.,
and pro-
duction
of plans

(2) Paragraph 7 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 7,
re-enacted

Regulating
removal and
wrecking of
buildings and
structures

7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
par. 22,
re-enacted

- (3) Paragraph 22 of subsection 1 of the said section 31 is repealed and the following substituted therefor:

Building
codes

22. For the purposes of any by-law passed under this section or a predecessor of this section, for adopting with such changes as the council may consider necessary by including in the by-law in whole or in part the National Building Code of Canada and in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada).

R.S.O. 1960,
c. 296, s. 31,
subs. 1,
amended

- (4) Subsection 1 of the said section 31 is amended by adding thereto the following paragraph:

Certificate
of com-
pliance and
prohibiting
use of
buildings
not in
compliance
with by-laws

24. For requiring persons,

- (a) who have caused a building or structure to be erected, altered or repaired without having first obtained a permit so to do where such a permit is required; or
- (b) who having obtained a permit have caused a building or structure to be erected, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such buildings comply with the by-laws of the municipality if they do not so comply and in any case to obtain a certificate of compliance from the building inspector and for charging fees for such certificates and for prohibiting the use of such a building or structure by such persons until a certificate of compliance has been obtained.

R.S.O. 1960,
c. 296,
amended

8. *The Planning Act* is amended by striking out "PART IV" preceding section 33 and inserting in lieu thereof "PART V" and by adding thereto the following Part:

PART IV

COMMITTEES OF ADJUSTMENT

32a.—(1) If a municipality has passed a by-law under section 30 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable. ^{Establishment of committees of adjustment}

(2) In subsection 3, "employee" does not include a teacher employed by a board of education or school board. ^{Interpretation}

(3) Every appointment to a committee of adjustment is subject to the approval of the Minister, but in no event is a member of the council of the municipality or an employee of the municipality or of a local board thereof eligible for appointment. ^{Appointments subject to approval}

(4) Appointments to the committee shall be for a term of three years, except that on the first appointment the council shall designate members who shall hold office, ^{Term of office}

- (a) until the 1st day of January of the year following the date of appointment;
- (b) until the 1st day of January of the second year following the date of appointment; and
- (c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year.

(5) Members of the committee shall hold office until their successors are appointed and approved, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. ^{Idem}

(6) A majority of the members of the committee constitutes a quorum. ^{Quorum}

(7) Subject to subsection 6, a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. ^{Vacancy not to impair powers}

- Chairman** (8) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.
- Employees** (9) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose.
- Remuneration** (10) The members of the committee shall be paid such compensation as the council may provide.
- Filing of documents, etc.** (11) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents.
- R.S.O. 1960, c. 249, 1**
- Rules of procedure** (12) The committee shall adopt such rules of procedure as are approved by the Minister, and no committee shall hear or determine any matter unless such rules have heretofore been or are hereafter so adopted and approved, and such rules may be amended with the approval of the Minister.
- Revision of rules of procedure** (13) The Minister may require a committee to amend or revise its rules of procedure and, if the committee fails to comply with such requirement within the time limited by the Minister, it is without jurisdiction to hear or determine any matter until its rules are amended or revised and approved by the Minister.
- Powers of committee, general** 32b.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan or is passed under section 30, or a predecessor of such section, or any person authorized in writing by the owner, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.
- special** (2) In addition to its powers under subsection 1, the committee, upon any such application,
- (a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued

until the date of the application to the committee, may permit,

- (i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
- (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;
- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan, if any; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.
- (3) The hearing on any application shall be held within ^{Time for hearing} thirty days after the application is received by the secretary-treasurer.
- (4) The committee, before hearing an application, shall ^{Notice of hearing} give notice thereof in such manner and to such persons as the committee deems proper.
- (5) The committee may require that a fee of not more ^{Fees} than \$25 be paid on every application.

Hearing (6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths (7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision (8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions in decision (9) Any authority or permission granted by the committee may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision.

Notice of decision (10) The secretary-treasurer shall send by registered mail,

(a) two copies of the decision, certified by him, to the Minister; and

(b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

Additional material (11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:

1. The application to the committee of adjustment, certified by the secretary-treasurer.
2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.

4. A list of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
5. All relevant documents, including any maps or sketches showing the land, building or structure concerned.

(12) The applicant, the Minister or any other person who ^{Appeal} has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Municipal Board and to the secretary-treasurer of the committee of adjustment, within fourteen days after the sending of the notice under subsection 10.

(13) If within such fourteen days no notice of appeal is ^{Where no appeal} given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

(14) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(15) The Municipal Board may dismiss the appeal and ^{Powers of Municipal Board} may make any decision that the committee could have made on the original application.

(16) The costs on the appeal are in the discretion of the ^{Costs} Municipal Board.

(17) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.

(18) The secretary-treasurer shall send to the applicant a ^{Idem} copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality.

9. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

10. This Act may be cited as *The Planning Amendment* ^{Short title} Act, 1961-62.

1st Reading

March 13th, 1962

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

Mr. Cass

BILL 99

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

an Act respecting the Tax Payable by Trans-Canada Pipe
Lines Limited under The Provincial Land Tax Act
for the years 1958, 1959, 1960, 1961 and 1962

MR. SPOONER

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY

EXPLANATORY NOTE

Self-explanatory.

1011

1011

BILL 99

1961-62

An Act respecting the Tax Payable by Trans-Canada Pipe Lines Limited under The Provincial Land Tax Act for the years 1958, 1959, 1960, 1961 and 1962

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The amount payable by Trans-Canada Pipe Lines Limited under *The Provincial Land Tax Act* is, Computation of tax, etc.
R.S.O. 1960, c. 313

- (a) for the year 1958, the sum of \$77,083.38;
- (b) for the year 1959, the sum of \$234,603.28;
- (c) for the year 1960, the sum of \$238,892.68;
- (d) for the year 1961, the sum of \$238,892.68; and
- (e) for the year 1962, the sum of \$238,892.68,

and any part of such sums not heretofore paid shall be paid within thirty days following the day on which this Act comes into force.

(2) If any part of the sums mentioned in subsection 1 remains unpaid on the 30th day following the day on which this Act comes into force, a penalty of 5 per cent of the amount of such unpaid part shall be added thereto, and thereafter the amount of the unpaid part and the penalty shall bear interest at the rate of one-half of 1 per cent per month for each month or fraction thereof until paid, and for all purposes such unpaid part, penalty and interest shall be deemed to be tax due and payable under *The Provincial Land Tax Act*. 1 Penalty and interest
R.S.O. 1960, c. 313

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trans-Canada Pipe Lines Limited Provincial Land Tax Act, 1961-62*. Short title

An Act respecting the Tax Payable by
Trans-Canada Pipe Lines Limited under
The Provincial Land Tax Act for the years
1958, 1959, 1960, 1961 and 1962

1st Reading

March 15th, 1962

2nd Reading

3rd Reading

MR. SPOONER

BILL 100

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Variation of Trusts Act

MR. ROBERTS

RECEIVED

THE

EXPLANATORY NOTE

Self-explanatory.

BILL 100

1961-62

An Act to amend The Variation of Trusts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Variation of Trusts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 413,
amended

2. Where a person proposes that an arrangement be approved by the Supreme Court under this Act and the court makes an order with respect thereto that affects any trust or the powers of trustees mentioned in a will that is the subject of any grant from a surrogate court, the order shall contain a provision requiring such person to forthwith cause a certified copy of the order to be filed with the clerk of the surrogate court that made the grant. where
surrogate
court grants
affected

2. This Act may be cited as *The Variation of Trusts Amendment Act, 1961-62*. Short title

1841, 100

An Act to amend
The Variation of Trusts Act

1st Reading

March 15th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 100

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Variation of Trusts Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

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THE UNIVERSITY OF CHICAGO LIBRARY

EXPLANATORY NOTE

Self-explanatory.

BILL 100

1961-62

An Act to amend The Variation of Trusts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Variation of Trusts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 413,
amended

2. Where a person proposes that an arrangement be approved by the Supreme Court under this Act and the court makes an order with respect thereto that affects any trust or the powers of trustees mentioned in a will that is the subject of any grant from a surrogate court, the order shall contain a provision requiring such person to forthwith cause a certified copy of the order to be filed with the registrar of the surrogate court that made the grant. Where
surrogate
court grants
affected

2. This Act may be cited as *The Variation of Trusts Amendment Act, 1961-62*. Short title

An Act to amend
The Variation of Trusts Act

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 100

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Variation of Trusts Act

MR. ROBERTS

THE NATIONAL BUREAU OF STANDARDS
WASHINGTON, D. C. 20540

AN ACT TO APPROVE THE PUBLICATION OF THE YEAR

1911

BILL 100

1961-62

**An Act to amend
The Variation of Trusts Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Variation of Trusts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 413,
amended

2. Where a person proposes that an arrangement be approved by the Supreme Court under this Act and the court makes an order with respect thereto that affects any trust or the powers of trustees mentioned in a will that is the subject of any grant from a surrogate court, the order shall contain a provision requiring such person to forthwith cause a certified copy of the order to be filed with the registrar of the surrogate court that made the grant. Where
surrogate
court grants
affected

2. This Act may be cited as *The Variation of Trusts Amendment Act, 1961-62*. Short title

An Act to amend
The Variation of Trusts Act

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

April 18th, 1962

MR. ROBERTS

BILL 101

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mortgages Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of this Bill is to require notice of an intention to exercise a contractual power of sale under a mortgage to be given to those concerned (see section 29a).

However, provision is made under which this general rule may be relaxed or set aside by the court in appropriate cases (see section 29g).

BILL 101

1961-62

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 245,
amended

PART II-A

POWER OF SALE, NOTICE

29a.—(1) Where a mortgage contains a power of sale without notice, or contains a power of sale with notice to be given other than by personal service or by registered mail, the mortgagee shall not exercise the power of sale unless a notice of exercising it (Form 2) has been given by him to the following persons, other than those persons having an interest in the mortgaged property prior to that of the mortgagee and other than those persons subject to whose rights the property is being sold: Notice of
exercise
of power
of sale

1. Where the mortgaged property is registered under *The Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the mortgaged property. R.S.O. 1960,
c. 204,

2. Where *The Registry Act* applies to the mortgaged property, every person appearing by the abstract of title for the registry division in which the mortgaged property is situate and by the index of writs received for execution by the sheriff of the county or district in which the mortgaged property is situate to have an interest in the mortgaged property. R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 73

3. Where the Treasurer of Ontario claims a lien against the mortgaged property for unpaid tax under *The Corporations Tax Act*, the Treasurer of Ontario.

4. Where the mortgagee has actual notice of any other interest in the mortgaged property, the person having such interest.

Interpre-
tation

(2) In subsection 1, the expressions "register of title" and "abstract of title" include instruments received or in course of registration before 4.30 p.m. on the day immediately prior to the day on which a notice of exercising the power of sale is given.

When notice
may be
given

29b. A notice under this Part shall not be given until there has been at least two months default in the payment of the principal money or interest under the mortgage and shall allow the person to whom the notice is given at least fifteen days notice of exercising the power of sale.

Service of
notice,
general
rule

29c.—(1) A notice under this Part shall be given by registered mail addressed to the person to whom it is to be given at his usual or last known place of address.

Execution
creditors

(2) Where a person to be given notice under this Part is an execution creditor, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who issued the execution.

Mechanic's
lien
claimants

(3) Where a person to be given a notice under this Part is a mechanic's lien claimant, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who filed the lien, and, where the claim for lien was filed by the lien claimant personally and there is no address for service shown on the claim for lien and the mortgagee has no actual knowledge of the lien claimant's address, section 29a does not apply to the lien claimant.

Persons
under
disability

(4) Where a person to be given a notice under this Part is under a disability, the notice shall be deemed to have been effectually given if given in accordance with subsection 1.

Deceased
persons

(5) Where a person to be given a notice under this Part has died, the notice shall be deemed to have been effectually given if given in accordance with sub-

section 1, and, subject to paragraph 4 of subsection 1 of section 29a, shall be deemed to be effectual notice to all persons who have any interest in the deceased's estate.

- 29d. A notice under this Part shall be mailed in Ontario and shall be deemed to have been given on the day on which it was mailed. When service by mail effected
- 29e. Subject to *The Land Titles Act*, a statutory declaration by the mortgagee, his solicitor or agent as to default, a statutory declaration proving service, including production of the post office receipt of registration, and a statutory declaration by the mortgagee's solicitor that the sale complies with this Part is conclusive evidence of compliance with this Part sufficient to satisfy a purchaser. Proof of compliance R.S.O. 1960, c. 204
- 29f. Nothing in this Part shall be deemed to abridge the period of default after which the mortgaged property may be sold where the period of default provided by the mortgage is greater than the period of default provided by this Part. Saving
- 29g.—(1) Where a mortgage contains a power of sale without notice, the mortgagee may, where there has been at least two months default in the payment of the principal money or interest under the mortgage, apply *ex parte* to the judge of the county or district court of the county or district in which any part of the mortgaged property is situate or to the master of the Supreme Court for leave to exercise the power of sale without notice. Ex parte application to exercise power of sale without notice
- (2) Upon an application under subsection 1, the judge or master, as the case may be, may, notwithstanding section 29a, grant leave to exercise the power of sale without notice or with such notice (Form 2) to such persons and in such manner as he deems proper. Idem

2. *The Mortgages Act* is amended by adding thereto the following form: R.S.O. 1960, c. 245, amended

FORM 2

(Sections 29a (1), 29g (2))

NOTICE OF SALE UNDER MORTGAGE

I hereby require you on or before the day of 19.... (a day not less than 15 days from the service of the notice), to pay the principal money, interest and costs secured by a certain mortgage dated the day of 19...., between mortgagor, and mortgagee, which mortgage was registered on the day of 19...., in the registry division, etc. (Set out a short description of the mortgaged property, and, where applicable, add: which mortgage was assigned to the undersigned on the day of 19....) And I hereby give you notice that the amounts due on the mortgage for principal money, interest and costs, respectively, are as follows:

And unless the principal money, interest and costs are paid on or before the day of 19...., I shall sell the property comprised in the mortgage under the provisions of the mortgage and Part II-A of *The Mortgages Act*.

Dated the day of 19....

Commence-
ment

3. This Act comes into force on the 1st day of September, 1962.

Short title

4. This Act may be cited as *The Mortgages Amendment Act, 1961-62*.

At the meeting of the Board of Directors
of the University of California

It was resolved that the following be

Name	Rank	Pay	Term	Remarks	Total
J. H.

Approved by the Board of Directors

An Act to amend The Mortgages Act

1st Reading

March 15th, 1962

*2nd Reading**3rd Reading*

MR. ROBERTS

BILL 101

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mortgages Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

The purpose of this Bill is to require notice of an intention to exercise a contractual power of sale under a mortgage to be given to those concerned (see section 29a).

However, provision is made under which this general rule may be relaxed or set aside by the court in appropriate cases (see section 29g).

BILL 101

1961-62

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 245,
amended

PART II-A

POWER OF SALE, NOTICE

29a.—(1) Where a mortgage contains a power of sale without notice, or contains a power of sale with notice to be given other than by personal service or by registered mail, the mortgagee shall not exercise the power of sale unless a notice of exercising it (Form 2) has been given by him to the following persons, other than those persons having an interest in the mortgaged property prior to that of the mortgagee and other than those persons subject to whose rights the property is being sold: Notice of
exercise
of power
of sale

1. Where the mortgaged property is registered under *The Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the mortgaged property. R.S.O. 1960,
c. 204.
2. Where *The Registry Act* applies to the mortgaged property, every person appearing by the abstract of title for the registry division in which the mortgaged property is situate and by the index of writs received for execution by the sheriff of the county or district in which the mortgaged property is situate to have an interest in the mortgaged property. R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 73

3. Where the Treasurer of Ontario claims a lien against the mortgaged property for unpaid tax under *The Corporations Tax Act*, the Treasurer of Ontario.

4. Where the mortgagee has actual notice of any other interest in the mortgaged property, the person having such interest.

Interpre-
tation

(2) In subsection 1, the expressions "register of title" and "abstract of title" include instruments received or in course of registration before 4.30 p.m. on the day immediately prior to the day on which a notice of exercising the power of sale is given.

When notice
may be
given

29b. A notice under this Part shall not be given until there has been at least two months default in the payment of the principal money or interest under the mortgage and shall allow the person to whom the notice is given at least fifteen days notice of exercising the power of sale.

Service of
notice,
general
rule

29c.—(1) A notice under this Part shall be given by registered mail addressed to the person to whom it is to be given at his usual or last known place of address.

Execution
creditors

(2) Where a person to be given notice under this Part is an execution creditor, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who issued the execution.

Mechanic's
lien
claimants

(3) Where a person to be given a notice under this Part is a mechanic's lien claimant, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who filed the lien, and, where the claim for lien was filed by the lien claimant personally and there is no address for service shown on the claim for lien and the mortgagee has no actual knowledge of the lien claimant's address, section 29a does not apply to the lien claimant.

Persons
under
disability

(4) Where a person to be given a notice under this Part is under a disability, the notice shall be deemed to have been effectually given if given in accordance with subsection 1.

Deceased
persons

(5) Where a person to be given a notice under this Part has died, the notice shall be deemed to have been effectually given if given in accordance with sub-



section 1, and, subject to paragraph 4 of subsection 1 of section 29a, shall be deemed to be effectual notice to all persons who have any interest in the deceased's estate.

- 29d. A notice under this Part shall be mailed in Ontario and shall be deemed to have been given on the day on which it was mailed. When service by mail effected
- 29e. Subject to *The Land Titles Act*, a statutory declaration by the mortgagee, his solicitor or agent as to default, a statutory declaration proving service, including production of the post office receipt of registration, and a statutory declaration by the mortgagee's solicitor that the sale complies with this Part is conclusive evidence of compliance with this Part sufficient to satisfy a purchaser. Proof of compliance R.S.O. 1960, c. 204
- 29f. Nothing in this Part shall be deemed to abridge the period of default after which the mortgaged property may be sold where the period of default provided by the mortgage is greater than the period of default provided by this Part. Saving
- 29g.—(1) Where a mortgage contains a power of sale without notice, the mortgagee may, where there has been at least two months default in the payment of the principal money or interest under the mortgage, apply *ex parte* to the judge of the county or district court of the county or district in which any part of the mortgaged property is situate or to the master of the Supreme Court for leave to exercise the power of sale without notice. Ex parte application to exercise power of sale without notice
- (2) Upon an application under subsection 1, the judge or master, as the case may be, may, notwithstanding section 29a, grant leave to exercise the power of sale without notice or with such notice (Form 2) to such persons and in such manner as he deems proper. Idem

2. *The Mortgages Act* is amended by adding thereto the following form: R.S.O. 1960, c. 245, amended

FORM 2

(Sections 29a (1), 29g (2))

NOTICE OF SALE UNDER MORTGAGE

I hereby require you on or before the day of 19.... (*a day not less than 15 days from the service of the notice*), to pay the principal money, interest and costs secured by a certain mortgage dated the..... day of 19...., between mortgagor, and mortgagee, which mortgage was registered on the day of 19...., in the registry division, etc. (*Set out a short description of the mortgaged property, and, where applicable, add: which mortgage was assigned to the undersigned on the day of 19....*) And I hereby give you notice that the amounts due on the mortgage for principal money, interest and costs, respectively, are as follows:

And unless the principal money, interest and costs are paid on or before the day of 19...., I shall sell the property comprised in the mortgage under the provisions of the mortgage and Part II-A of *The Mortgages Act*.

Dated the day of 19....

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Mortgages Amendment Act, 1961-62*.

An Act to amend The Mortgages Act

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

Mr. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 101

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mortgages Act

MR. ROBERTS

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is to require notice of an intention to exercise a contractual power of sale under a mortgage to be given to those concerned (see section 29a).

However, provision is made under which this general rule may be relaxed or set aside by the court in appropriate cases (see section 29g).

BILL 101

1961-62

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 245
amended

PART II-A

POWER OF SALE, NOTICE

29a.—(1) Where a mortgage contains a power of sale without notice, the mortgagee shall not exercise the power of sale unless a notice of exercising it (Form 2) has been given by him to the following persons, other than those persons having an interest in the mortgaged property prior to that of the mortgagee and other than those persons subject to whose rights the property is being sold: Notice of
exercise
of power
of sale

1. Where the mortgaged property is registered under *The Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the mortgaged property. R.S.O. 1960,
c. 204,
2. Where *The Registry Act* applies to the mortgaged property, every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the mortgaged property is situate to have an interest in the mortgaged property. R.S.O. 1960,
c. 348
3. Where the Treasurer of Ontario claims a lien against the mortgaged property for unpaid tax under *The Corporations Tax Act*, the Treasurer of Ontario. R.S.O. 1960,
c. 73

4. Where the mortgagee has actual notice of any other interest in the mortgaged property, the person having such interest.

**Interpre-
tation**

- (2) In subsection 1, the expressions "register of title" and "abstract of title" include instruments received or in course of registration before 4.30 p.m. on the day immediately prior to the day on which a notice of exercising the power of sale is given.

**When notice
may be
given**

- 29b. A notice under section 29a or a notice of exercising a power of sale contained in a mortgage shall not be given until there has been at least two months default in the payment of the principal money or interest under the mortgage or in the performance of observance of any of its covenants or terms, and it shall allow the person to whom it is given at least fifteen days notice of exercising the power of sale or such longer period of notice as the mortgage provides.

**Service of
notice,
general
rule**

- 29c.—(1) A notice under section 29a or a notice of exercising a power of sale contained in a mortgage shall be given by personal service or by registered mail addressed to the person to whom it is to be given at his address as shown on the registered instrument under which he acquired his interest or at his usual or last known place of address, or, if the mortgage so provides, by personal service only.

**Execution
creditors**

- (2) Where a person to be given notice under section 29a or a notice of exercising a power of sale contained in a mortgage is an execution creditor, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who issued the execution.

**Mechanic's
lien
claimants**

- (3) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in a mortgage is a mechanic's lien claimant, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who filed the claim for lien, and, where the claim for lien was filed by the lien claimant personally and there is no address for service shown on the claim for lien and the mortgagee has no actual knowledge of the lien claimant's address, section 29a does not apply to the lien claimant.

**Persons
under
disability**

- (4) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in

a mortgage is under a disability, the notice shall be deemed to have been effectually given if given in accordance with subsection 1.

- (5) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in a mortgage has died, the notice shall be deemed to have been effectually given if given by registered mail in accordance with subsection 1, and, subject to paragraph 4 of subsection 1 of section 29a, shall be deemed to be effectual notice to all persons who have any interest in the deceased's estate. Deceased persons

29d. A notice under section 29a shall, if given by registered mail, be mailed in Ontario and a notice under section 29c or a notice of exercising a power of sale contained in a mortgage shall be deemed to have been given on the day on which it was mailed. Service by mail

29e. Subject to *The Land Titles Act*, a statutory declaration by the mortgagee, his solicitor or agent as to default, a statutory declaration proving service, including production of the post office receipt of registration, and a statutory declaration by the mortgagee's solicitor that the sale complies with this Part is conclusive evidence of compliance with this Part sufficient to satisfy a purchaser. Proof of compliance R.S.O. 1960, c. 204

29f. Nothing in this Part shall be deemed to abridge the period of default after which the mortgaged property may be sold where the period of default provided by the mortgage is greater than the period of default provided by this Part. Saving

29g.—(1) A mortgagee may, where there has been at least two months default in the payment of the principal money or interest under the mortgage, apply *ex parte* to the judge of the county or district court of the county or district in which any part of the mortgaged property is situate or to the master of the Supreme Court for leave to exercise power of sale without notice. Ex parte application to exercise power of sale

(2) Upon an application under subsection 1, the judge or master, as the case may be, may, notwithstanding section 29a, grant leave to exercise power of sale without notice or with such notice (Form 2) to such persons and in such manner as he deems proper. Idem

2. *The Mortgages Act* is amended by adding thereto the following form: R.S.O. 1960, c. 245 amended

FORM 2

(Sections 29a (1), 29g (2))

NOTICE OF SALE UNDER MORTGAGE

I hereby require you on or before the day of, 19.... (*a day not less than 15 days from the service of the notice*), to pay the principal money, interest and costs secured by a certain mortgage dated the..... day of, 19...., between, mortgagor, and, mortgagee, which mortgage was registered on the day of, 19...., in the registry division, etc. (*Set out a short description of the mortgaged property, and, where applicable, add: which mortgage was assigned to the undersigned on the day of....., 19....*) And I hereby give you notice that the amounts due on the mortgage for principal money, interest and costs, respectively, are as follows:

And unless the principal money, interest and costs are paid on or before the day of, 19...., I shall sell the property comprised in the mortgage under the provisions of the mortgage and Part II-A of *The Mortgages Act*.

Dated the day of, 19....

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Mortgages Amendment Act, 1961-62*.

The following are the results of the
 1902-1903 season

On 1st of March 1903 the following was

No. of birds		No. of eggs		No. of young	
1	2	3	4	5	6
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
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100	100	100	100	100	100

An Act to amend The Mortgages Act

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

MR. ROBERTS

(Reprinted for consideration by the
Committee of the Whole House)

BILL 101

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mortgages Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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BILL 101

1961-62

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 245,
amended

PART II-A

POWER OF SALE, NOTICE

29a.—(1) Where a mortgage contains a power of sale without notice, the mortgagee shall not exercise the power of sale unless a notice of exercising it (Form 2) has been given by him to the following persons, other than those persons having an interest in the mortgaged property prior to that of the mortgagee and other than those persons subject to whose rights the property is being sold: Notice of
exercise
of power
of sale

1. Where the mortgaged property is registered under *The Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the mortgaged property. R.S.O. 1960,
c. 204,
2. Where *The Registry Act* applies to the mortgaged property, every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the mortgaged property is situate to have an interest in the mortgaged property. R.S.O. 1960,
c. 348
3. Where the Treasurer of Ontario claims a lien against the mortgaged property for unpaid tax under *The Corporations Tax Act*, the Treasurer of Ontario. R.S.O. 1960,
c. 73

4. Where the mortgagee has actual notice of any other interest in the mortgaged property, the person having such interest.

**Interpre-
tation**

- (2) In subsection 1, the expressions "register of title" and "abstract index" include instruments received or in course of registration before 4.30 p.m. on the day immediately prior to the day on which a notice of exercising the power of sale is given.

**When notice
may be
given**

- 29b. A notice under section 29a or a notice of exercising a power of sale contained in a mortgage shall not be given until there has been at least two months default in the payment of the principal money or interest under the mortgage or in the performance or observance of any of its covenants or terms, and it shall allow the person to whom it is given at least fifteen days notice of exercising the power of sale or such longer period of notice as the mortgage provides.

**Service of
notice,
general
rule**

- 29c.—(1) A notice under section 29a or a notice of exercising a power of sale contained in a mortgage shall be given by personal service or by registered mail addressed to the person to whom it is to be given at his address as shown on the registered instrument under which he acquired his interest or at his usual or last known place of address, or, if the mortgage so provides, by personal service only.

**Execution
creditors**

- (2) Where a person to be given notice under section 29a or a notice of exercising a power of sale contained in a mortgage is an execution creditor, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who issued the execution.

**Mechanic's
lien
claimants**

- (3) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in a mortgage is a mechanic's lien claimant, the notice may be given in the manner provided in subsection 1 by addressing it to the solicitor who filed the claim for lien, and, where the claim for lien was filed by the lien claimant personally and there is no address for service shown on the claim for lien and the mortgagee has no actual knowledge of the lien claimant's address, section 29a does not apply to the lien claimant.

**Persons
under
disability**

- (4) Where a person to be given a notice under section 29a or a notice of exercising a power of sale contained in

a mortgage is under a disability, the notice shall be deemed to have been effectually given if given in accordance with subsection 1.

- (5) Where a person to be given a notice under section 29a ^{Deceased persons} or a notice of exercising a power of sale contained in a mortgage has died, the notice shall be deemed to have been effectually given if given by registered mail in accordance with subsection 1, and, subject to paragraph 4 of subsection 1 of section 29a, shall be deemed to be effectual notice to all persons who have any interest in the deceased's estate.

29d. A notice under section 29a shall, if given by registered mail, be mailed in Ontario and a notice under section 29c or a notice of exercising a power of sale contained in a mortgage shall be deemed to have been given on the day on which it was mailed. ^{Service by mail}

29e. Subject to *The Land Titles Act*, a statutory declaration by the mortgagee, his solicitor or agent as to default, a statutory declaration proving service, including production of the post office receipt of registration, and a statutory declaration by the mortgagee's solicitor that the sale complies with this Part is conclusive evidence of compliance with this Part sufficient to satisfy a purchaser. ^{Proof of compliance R.S.O. 1960, c. 204}

29f. Nothing in this Part shall be deemed to abridge the period of default after which the mortgaged property may be sold where the period of default provided by the mortgage is greater than the period of default provided by this Part. ^{Saving}

29g.—(1) A mortgagee may, where there has been at least two months default in the payment of the principal money or interest under the mortgage, apply *ex parte* to the judge of the county or district court of the county or district in which any part of the mortgaged property is situate or to the master of the Supreme Court for leave to exercise power of sale without notice. ^{Ex parte application to exercise power of sale}

- (2) Upon an application under subsection 1, the judge or master, as the case may be, may, notwithstanding section 29a, grant leave to exercise power of sale without notice or with such notice (Form 2) to such persons and in such manner as he deems proper. ^{Idem}

2. *The Mortgages Act* is amended by adding thereto the following form: ^{R.S.O. 1960, c. 245 amended}

FORM 2

(Sections 29a (1), 29g (2))

NOTICE OF SALE UNDER MORTGAGE

I hereby require you on or before the day of 19.... (a day not less than 15 days from the service of the notice), to pay the principal money, interest and costs secured by a certain mortgage dated the..... day of 19...., between mortgagee, which mortgage was registered on the day of 19...., in the registry division, etc. (Set out a short description of the mortgaged property, and, where applicable, add: which mortgage was assigned to the undersigned on the day of 19....) And I hereby give you notice that the amounts due on the mortgage for principal money, interest and costs, respectively, are as follows:

And unless the principal money, interest and costs are paid on or before the day of 19...., I shall sell the property comprised in the mortgage under the provisions of the mortgage and Part II-A of *The Mortgages Act*.

Dated the day of 19....

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Mortgages Amendment Act, 1961-62*.

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

April 18th, 1962

MR. ROBERTS

BILL 102

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Loan and Trust Corporations Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. This amendment will reduce the minimum amount required to be paid in on directors' qualifying shares from \$1,000 to \$500.

SECTION 2. This will make possible a wider distribution of the capital stock of trust and loan companies.

SECTION 3. Under present section 78 a trust company that maintains a common trust fund is required to file and pass before a judge of a surrogate court an account of its dealings with the fund at least once in every three-year period. These amendments will dispense with judicial accountings unless required by the Registrar of Loan and Trust Corporations or requested by the trust company concerned.

BILL 102

1961-62

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 34 of *The Loan and Trust Corporations Act* is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$500", so that the subsection shall read as follows: R.S.O. 1960,
c. 222, s. 34,
subs. 2,
amended

(2) No person is qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$500 has been paid in, and is not in arrear in respect of any call thereon. Qualifica-
tions of
directors

2. Section 49 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 49,
re-enacted

49. The par value of a share of capital stock shall be \$1 or any multiple thereof not exceeding \$100. Par value
of shares

3. Subsections 4 and 5 of section 78 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 78,
subs. 4, 5,
re-enacted

(4) A trust company may at any time, and shall when required in writing by the Registrar so to do under subsection 5, file and pass an account of its dealings with respect to a common trust fund in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, has, subject to this section, the same duties and powers as in the case of the passing of executors' accounts. Passing of
accounts

When
account
final

- (5) An account filed with the Registrar pursuant to the regulations, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust company's administration of the common trust fund for the period covered by the account, unless within six months after the date upon which the account is so filed the Registrar requires in writing that such account be filed and passed before a judge of the surrogate court.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a,
re-enacted

- 4.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds two-thirds of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

Mortgages
and assign-
ments of life
insurance
policies

- (ab) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. d,
amended

- (2) Clause *d* of subsection 1 of the said section 137 is amended by inserting after "*a*" in the ninth line "*aa, ab*", so that the clause shall read as follows:

bonds
secured by
trustee

- (d) the bonds, debentures, debenture stock or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that

SECTION 4—Subsection 1. Clause (a) is amended to include mortgages on leaseholds, which are already included in section 137 (3) (a), and to limit mortgages on real estate or leaseholds to two-thirds of the value of the property mortgaged.

The new clause (aa) is added because the limitation in clause (a) to two-thirds of the value makes it necessary to qualify National Housing Act mortgages specifically.

The new clause (ab) is part of the present section 137 (1) (a).

Subsection 2. This amendment is complementary to the amendments in subsection 1.

Subsection 3. At present, equipment trust certificates are eligible only if they relate to railway equipment. By this amendment equipment trust certificates issued to finance the purchase of highway transportation equipment will be included.

Subsection 4. The amendment to section 137 (3) (a) is complementary to the amendments to section 137 (1) as set out in subsection 1 of section 4 of the bill. By clause (aa) loans on real estate or leaseholds are limited to two-thirds of the value of property mortgaged. Clause (ab) authorizes loans under the N.H.A. and clause (ac) is part of the present clause (a).

are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a*, *aa*, *ab* and *b*.

(3) Clause *g* of subsection 1 of the said section 137 is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. *g*,
re-enacted

(*g*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the company.

(4) Clause *a* of subsection 3 of the said section 137 is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 137,
subs. 3, cl. *a*,
re-enacted

(*a*) any of the securities mentioned in clauses *ab*, *b* and *d* of subsection 1;

(*aa*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed two-thirds of the value of the real estate or leasehold;

(*ab*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto; 1953-54,
c. 23 (Can.)

(*ac*) guaranteed investment certificates of a trust company.

R.S.O. 1960,
c. 222, s. 139,
subs. 4, cl. a,
re-enacted

5. Clause *a* of subsection 4 of section 139 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

government
bonds, etc.

(a) any of the securities mentioned in clauses *ab*, *b* and *d* of subsection 1 of section 137;

mortgages

(aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

(ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

trust
company
securities

(ac) guaranteed investment certificates of a trust company.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1961-62*.

SECTION 5. The present section 139 (4) (a) has been amended to conform to the amendments to section 137 (1) as set out in subsection 1 of section 4 of the bill. Under clause (aa) the amount of a mortgage loan is limited to two-thirds of the value of the property mortgaged. Clause (ab) authorizes loans to be made under the N.H.A. and clause (ac) is part of the present clause (a).

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
AND THE MUSEUM OF ART AND ARCHITECTURE
1155 EAST 58TH STREET, CHICAGO, ILL. 60637
TEL. 733-4331

1. The Department of the History of Arts and Architecture is a part of the University of Chicago. It is a department of the University of Chicago, and is located in the East 58th Street building. The Department of the History of Arts and Architecture is a part of the University of Chicago, and is located in the East 58th Street building. The Department of the History of Arts and Architecture is a part of the University of Chicago, and is located in the East 58th Street building.

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The Loan and Trust Corporations Act

1st Reading

March 15th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 102

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Loan and Trust Corporations Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. This amendment will reduce the minimum amount required to be paid in on directors' qualifying shares from \$1,000 to \$500.

SECTION 2. This will make possible a wider distribution of the capital stock of trust and loan companies.

SECTION 3. Under present section 78 a trust company that maintains a common trust fund is required to file and pass before a judge of a surrogate court an account of its dealings with the fund at least once in every three-year period. These amendments will dispense with judicial accountings unless required by the Registrar of Loan and Trust Corporations or requested by the trust company concerned.

BILL 102

1961-62

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 34 of *The Loan and Trust Corporations Act* is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$500", so that the subsection shall read as follows: R.S.O. 1960,
c. 222, s. 34,
subs. 2,
amended

(2) No person is qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$500 has been paid in, and is not in arrear in respect of any call thereon. Qualifica-
tions of
directors

2. Section 49 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 49,
re-enacted

49. The par value of a share of capital stock shall be \$1 or any multiple thereof not exceeding \$100. Par value
of shares

3. Subsections 4 and 5 of section 78 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 222, s. 78,
subs. 4, 5,
re-enacted

(4) A trust company may at any time, and shall when required in writing by the Registrar so to do under subsection 5, file and pass an account of its dealings with respect to a common trust fund in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, has, subject to this section, the same duties and powers as in the case of the passing of executors' accounts. Passing of
accounts

When
account
final

- (5) An account filed with the Registrar pursuant to the regulations, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust company's administration of the common trust fund for the period covered by the account, unless within six months after the date upon which the account is so filed the Registrar requires in writing that such account be filed and passed before a judge of the surrogate court.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a,
re-enacted

- 4.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds two-thirds of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

Mortgages
and assign-
ments of life
insurance
policies

- (ab) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. d,
amended

- (2) Clause *d* of subsection 1 of the said section 137 is amended by inserting after "*a*" in the ninth line "*aa, ab*", so that the clause shall read as follows:

bonds
secured by
trustee

- (d) the bonds, debentures, debenture stock or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that

SECTION 4—Subsection 1. Clause (a) is amended to include mortgages on leaseholds, which are already included in section 137 (3) (a), and to limit mortgages on real estate or leaseholds to two-thirds of the value of the property mortgaged.

The new clause (aa) is added because the limitation in clause (a) to two-thirds of the value makes it necessary to qualify National Housing Act mortgages specifically.

The new clause (ab) is part of the present section 137 (1) (a).

Subsection 2. This amendment is complementary to the amendments in subsection 1.

Subsection 3. At present, equipment trust certificates are eligible only if they relate to railway equipment. By this amendment equipment trust certificates issued to finance the purchase of highway transportation equipment will be included.

Subsection 4. The amendment to section 137 (3) (a) is complementary to the amendments to section 137 (1) as set out in subsection 1 of section 4 of the Bill. By clause (aa) loans on real estate or leaseholds are limited to two-thirds of the value of property mortgaged. Clause (ab) authorizes loans under the N.H.A. and clause (ac) is part of the present clause (a).

are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a*, *aa*, *ab* and *b*.

(3) Clause *g* of subsection 1 of the said section 137 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. *g*,
re-enacted

(*g*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

trans-
portation
equipment
security

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the company.

(4) Clause *a* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 137,
subs. 3, cl. *a*,
re-enacted

(*a*) any of the securities mentioned in clauses *a*, *aa*, *ab*, *b* and *d* of subsection 1;

(*aa*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed two-thirds of the value of the real estate or leasehold;

(*ab*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

(*ac*) guaranteed investment certificates of a trust company.

R.S.O. 1960,
c. 222, s. 139,
subs. 4, cl. a,
re-enacted

5. Clause *a* of subsection 4 of section 139 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

government
bonds, etc.

(a) any of the securities mentioned in clauses *a*, *aa*, *ab*, *b* and *d* of subsection 1 of section 137;

mortgages

(aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

(ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

trust
company
securities

(ac) guaranteed investment certificates of a trust company.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1961-62*.

SECTION 5. The present section 139 (4) (a) has been amended to conform to the amendments to section 137 (1) as set out in subsection 1 of section 4 of the Bill. Under clause (aa) the amount of a mortgage loan is limited to two-thirds of the value of the property mortgaged. Clause (ab) authorizes loans to be made under the N.H.A. and clause (ac) is part of the present clause (a).

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

MEMORANDUM

TO : THE DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
FROM : [illegible]
SUBJECT : [illegible]
DATE : [illegible]
[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a memorandum detailing a project or report.]

THE JOURNAL OF THE
AMERICAN MEDICAL ASSOCIATION
PUBLISHED WEEKLY

5

AN ORIGINAL ARTICLE
ON THE NEW METHOD OF TREATING
TUBERCULOSIS



An Act to amend
The Loan and Trust Corporations Act

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

BILL 102

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Loan and Trust Corporations Act

MR. ROBERTS

OF THE
ROYAL SOCIETY OF LONDON

FOR THE YEAR 1881

PRINTED BY
HARRISON AND SONS, ST. MARTIN'S LANE, W.C.

BILL 102

1961-62

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 34 of *The Loan and Trust Corporations Act* is amended by striking out "\$1,000" in the fourth line and inserting in lieu thereof "\$500", so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 34,
subs. 2,
amended

(2) No person is qualified to be a director unless he is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$500 has been paid in, and is not in arrear in respect of any call thereon.

Qualifica-
tions of
directors

2. Section 49 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 49,
re-enacted

49. The par value of a share of capital stock shall be \$1 or any multiple thereof not exceeding \$100.

Par value
of shares

3. Subsections 4 and 5 of section 78 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 78,
subs. 4, 5,
re-enacted

(4) A trust company may at any time, and shall when required in writing by the Registrar so to do under subsection 5, file and pass an account of its dealings with respect to a common trust fund in the office of the surrogate court of the county or district in which the fund is being administered, and the judge of the surrogate court, on the passing of such account, has, subject to this section, the same duties and powers as in the case of the passing of executors' accounts.

Passing of
accounts

When
account
final

- (5) An account filed with the Registrar pursuant to the regulations, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and as to the trust company's administration of the common trust fund for the period covered by the account, unless within six months after the date upon which the account is so filed the Registrar requires in writing that such account be filed and passed before a judge of the surrogate court.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a,
re-enacted

4.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds two-thirds of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

Mortgages
and assign-
ments of life
insurance
policies

- (ab) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. d,
amended

(2) Clause *d* of subsection 1 of the said section 137 is amended by inserting after "*a*" in the ninth line "*aa, ab*", so that the clause shall read as follows:

bonds
secured by
trustee

- (d) the bonds, debentures, debenture stock or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that

are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a*, *aa*, *ab* and *b*.

(3) Clause *g* of subsection 1 of the said section 137 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. *g*,
re-enacted

(*g*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

trans-
portation
equipment
security

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the company.

(4) Clause *a* of subsection 3 of the said section 137 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 137,
subs. 3, cl. *a*,
re-enacted

(*a*) any of the securities mentioned in clauses *a*, *aa*, *ab*, *b* and *d* of subsection 1;

(*aa*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed two-thirds of the value of the real estate or leasehold;

(*ab*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
c. 23 (Can.)

(*ac*) guaranteed investment certificates of a trust company.

R.S.O. 1960,
c. 222, s. 139,
subs. 4, cl. a,
re-enacted

5. Clause *a* of subsection 4 of section 139 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

government
bonds, etc.

(a) any of the securities mentioned in clauses *a*, *aa*, *ab*, *b* and *d* of subsection 1 of section 137;

mortgages

(aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate or leasehold;

N.H.A.
mortgages

(ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds two-thirds of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto;

1953-54,
o. 23 (Can.)

trust
company
securities

(ac) guaranteed investment certificates of a trust company.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1961-62*.

THE ACT TO AMEND
The Loan and Trust Corporations Act

1st Reading

March 15th, 1962

2nd Reading

March 20th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 103

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The County Judges Act

MR. ROBERTS

OFFICE OF THE CLERK OF THE SUPREME COURT
STATE OF CALIFORNIA

OFFICE OF THE CLERK OF THE SUPREME COURT
STATE OF CALIFORNIA

EXPLANATORY NOTES

SECTION 1. This amendment will provide for the appointment of six additional county or district court judges.

SECTION 2. This provision will give authority to pay judges at large an allowance for surrogate work comparable to the allowance now paid to the judges of specific counties and districts.

SECTION 3. The new subsection clarifies the status of county and district court shorthand writers for the purposes specified.

BILL 103

1961-62

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 3, as amended by section 1 of *The County Judges Amendment Act, 1960-61*, is amended by striking out "eight" in the amendment of 1960-61 and inserting in lieu thereof "fourteen", so that the subsection shall read as follows:

- (1) In addition to the judges mentioned in section 1 ^{Additional judges} and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding fourteen in number, may be appointed,
 - (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
 - (b) for the county and district courts of the counties and districts of Ontario.

2. Section 9 of *The County Judges Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 77, s. 9, amended

- (9) In addition to the allowance provided in subsection 1, there shall be paid to every judge for the county and district courts of the counties and districts of Ontario an allowance of \$2,000 payable annually at the end of the year out of the Consolidated Revenue Fund. ^{Surrogate allowance for judges at large}

3. Section 13 of *The County Judges Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 77, s. 13, amended

- (11) Every shorthand writer shall be deemed to be an ^{Status} employee of the municipality that pays his salary for the purposes of pensions, sick leave credits,

holidays with pay, and the Ontario plan of hospital care insurance and any supplemental medical and surgical insurance.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The County Judges Amendment Act, 1961-62*.

Address to the people of the United States
on the subject of the American Revolution
and the rights of the Colonies

By John Jay, Esq. of New York
Author of "The American's Rights and Duties"

Printed by J. B. Smith, at the New York Press, No. 10, N. York St.
New York: 1776

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An Act to amend
The County Judges Act

1st Reading

March 16th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 103

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The County Judges Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE UNIVERSITY OF CHICAGO
 1911

in the history of the country

1911

BILL 103

1961-62

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, R.S.O. 1960, c. 77, s. 3, amended as amended by section 1 of *The County Judges Amendment Act, 1960-61*, is amended by striking out "eight" in the amendment of 1960-61 and inserting in lieu thereof "fourteen", so that the subsection shall read as follows:

(1) In addition to the judges mentioned in section 1 Additional judges and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding fourteen in number, may be appointed,

(a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(b) for the county and district courts of the counties and districts of Ontario.

2. Section 9 of *The County Judges Act* is amended by R.S.O. 1960, c. 77, s. 9, amended adding thereto the following subsection:

(9) In addition to the allowance provided in subsection 1, there shall be paid to every judge for the Surrogate allowance for judges at large county and district courts of the counties and districts of Ontario an allowance of \$2,000 payable annually at the end of the year out of the Consolidated Revenue Fund.

3. Section 13 of *The County Judges Act* is amended by R.S.O. 1960, c. 77, s. 13, amended adding thereto the following subsection:

(11) Every shorthand writer shall be deemed to be an Status employee of the municipality that pays his salary for the purposes of pensions, sick leave credits,

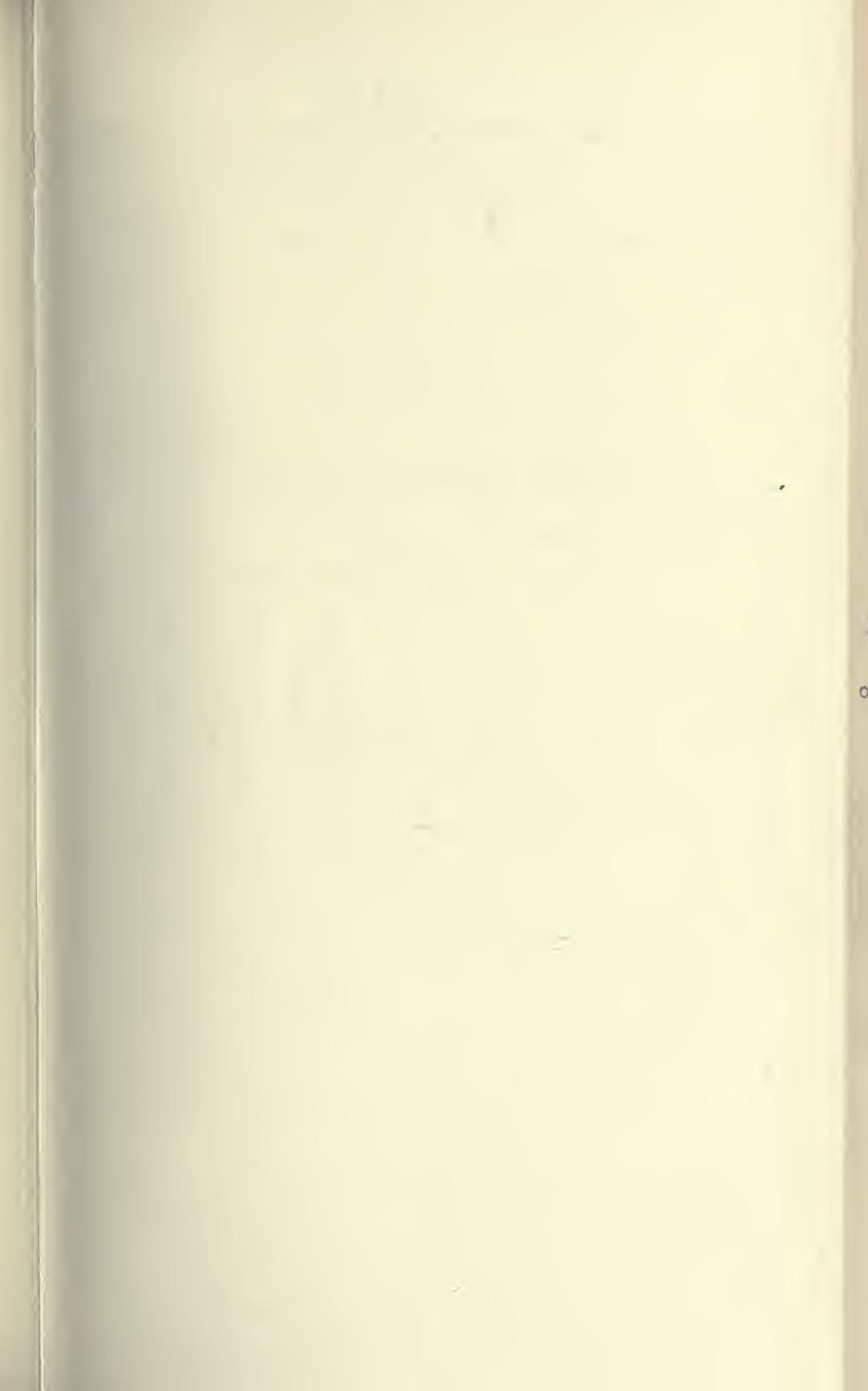
holidays with pay, and the Ontario plan of hospital care insurance and any supplemental medical and surgical insurance.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The County Judges Amendment Act, 1961-62 (No. 2)*.



Following day and the Doctor sent a letter
to the authorities and the authorities sent a
reply to the Doctor.

1900. 10. 10. The Doctor sent a letter to the
authorities and the authorities sent a reply to the
Doctor.

1900. 10. 11. The Doctor sent a letter to the
authorities and the authorities sent a reply to the
Doctor.

THE UNIVERSITY OF THE SOUTH PACIFIC
 1914, 1915

On May 1st around the Highway Traffic was

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1000

An Act to amend
The County Judges Act

1st Reading

March 16th, 1962

2nd Reading

March 20th, 1962

3rd Reading

March 30th, 1962

MR. ROBERTS

BILL 104

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Highway Traffic Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1—Subsection 1. Deputy Minister is defined for the purposes of the Act.

Subsection 2. The expression "safety glass" is redefined for the purpose of clarification.

SECTION 2. At present, the Minister may delegate any of his powers and duties under the Act to the Registrar. The new provision authorizes such delegation to the Deputy Minister as well as to the Registrar.

SECTION 3. The amendment includes the provision of the *Criminal Code* respecting dangerous driving in subsection 3 of section 20 of the Act providing for subsequent offences.

BILL 104

1961-62

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 172, s. 1,
subs. 1,
amended

5a. "Deputy Minister" means the Deputy Minister of Transport.

(2) Paragraph 24 of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 1,
subs. 1,
par. 24,
re-enacted

24. "safety glass" means any product that is composed of glass and so manufactured, fabricated or treated as substantially to prevent the shattering and flying of the glass when struck or broken and that is approved by the Department, or such other or similar product that is approved by the Department.

2. Subsection 3 of section 3 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 3,
subs. 3,
re-enacted

(3) The Minister may authorize the Deputy Minister and the Registrar or either of them to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act and, where both the Deputy Minister and the Registrar are so authorized, either of them may exercise and discharge any of such powers and duties. Delegation
of powers,
etc.,
to Deputy
Minister
and
Registrar

3. Subsection 3 of section 20 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1960-61*, is amended by inserting after "under" in the second line "subsection 4 of section 221 or", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 20
(1960-61,
c. 34, s. 2),
subs. 3,
amended

Idem

- (3) Where a person has been convicted of an offence under subsection 4 of section 221 or section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

1953-54,
o. 51 (Can.)R.S.O. 1960,
c. 172, s. 21,
amended

4.—(1) Section 21 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by inserting after “under” in the second line “subsection 4 of section 221 or”, so that subsection 1 of the said section shall read as follows:

Suspension
for driving
while ability
impaired
and for
dangerous
driving

- (1) Subject to section 22, the licence of a person who is convicted of an offence under subsection 4 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,
- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
 - (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172, s. 21,
amended

(2) The said section 21 is further amended by adding thereto the following subsection:

Subsequent
offence

- (2) Where a person who has been previously convicted of an offence mentioned in subsection 1 is convicted of the same or another offence mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21a
(1960-61,
c. 34, s. 4),
amended

5. Section 21a of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out “and 21” in the second line and inserting in lieu thereof “21 and 21b”, so that the section shall read as follows:

SECTION 4—Subsection 1. The amendment provides for the suspension of licences of persons convicted of dangerous driving.

Subsection 2. The new subsection 2 defines subsequent offence in relation to convictions for driving while ability is impaired and for dangerous driving.

SECTION 5. The amendment provides for subsequent offences in any five-year period.

SECTION 6. The new section 21b provides for the suspension of the licences of persons convicted for failing to stop at the scene of an accident.

The new section 21c provides for an additional suspension of six months where a person is convicted of the offence of driving while disqualified.

SECTION 7—Subsection 1. The distance ahead of a motor vehicle that driving lights must render objects visible is increased from 300 feet to 350 feet.

21a. Notwithstanding section 155, where a penalty is provided in sections 20, 21 and 21b for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

Interpretation of "subsequent" for ss. 20, 21, 21b

6. *The Highway Traffic Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 172, amended

21b. The licence of a person who is convicted of an offence under subsection 2 of section 221 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

Suspension for failure to stop at scene of accident 1953-54, c. 51 (Can.)

(a) upon the first offence, where property damage only occurred in connection with the offence, three months;

(b) upon the first offence, where injury to or the death of any person occurred in connection with the offence, six months;

(c) upon any subsequent offence, six months, but where injury to or the death of any person occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

21c. The licence of a person who is convicted of an offence under subsection 3 of section 225 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of six months in addition to the period of suspension with respect to which he was convicted under such subsection 3.

Suspension for driving while disqualified

7.—(1) Subsection 3 of section 33 of *The Highway Traffic Act* is amended by striking out "300" in the seventh line and inserting in lieu thereof "350", so that the subsection shall read as follows:

R.S.O. 1960, c. 172, s. 33, subs. 3, amended

(3) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render

Driving lights

clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 350 feet ahead of the motor vehicle.

R.S.O. 1960,
c. 172, s. 33,
amended

(2) The said section 33 is amended by adding thereto the following subsections:

Flashing
blue light
on snow-
removal
equipment

(31) No person shall operate on a highway a motor vehicle or road-building machine while being used for the removal of snow from a highway unless the motor vehicle or road-building machine is equipped with a lamp producing intermittent flashes of blue light visible for a distance of 500 feet.

Restriction
on use of
flashing
blue light

(32) No person shall use a lamp that automatically produces intermittent flashes of blue light on a motor vehicle or road-building machine other than a motor vehicle or road-building machine while being used for the removal of snow from a highway.

R.S.O. 1960,
c. 172, s. 35,
amended

8.—(1) Section 35 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Additional
brakes

(3a) The Lieutenant Governor in Council may make regulations,

(a) requiring vehicles or any type or class thereof to be equipped with brakes or braking systems in addition to the brakes required by subsection 1, 2 or 3; and

(b) prescribing the standards and specifications of brakes and braking systems or any class or type thereof that are required by this section or regulations made under clause a.

R.S.O. 1960,
c. 172, s. 35,
subs. 6,
amended

(2) Subsection 6 of the said section 35 is amended by inserting after "section" in the second line "or any regulation made thereunder", so that the subsection shall read as follows:

Penalty

(6) Every person who contravenes any of the provisions of this section or any regulation made thereunder is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200 and is also liable

Subsection 2. Self-explanatory.

SECTION 8. The amendments authorize the Lieutenant Governor in Council to pass regulations to require brakes in addition to those now required under section 35 and to prescribe standards and specifications of brakes.

SECTION 9. Self-explanatory.

SECTION 10. The authority to regulate the transportation of dangerous materials is extended to provide for the regulation of the packaging of such materials that are to be transported on a highway.

SECTION 11—Subsection 1. The amendment permits snow-removal equipment to have a width exceeding the prescribed width of 96 inches while removing snow from a highway.

Subsections 2 and 3. The amendments extend the maximum length of car carriers from 50 feet to 60 feet.

to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

41a. Every bus when operated on a highway shall be equipped with a speedometer which shall be maintained in good working order. Speedo-
meters
required
in buses

10. Subsection 1 of section 57 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 57,
subs. 1,
re-enacted

(1) The Lieutenant Governor in Council may make regulations, Regulation
of carriage
of explosives,
etc.

(a) classifying and defining explosives and dangerous materials;

(b) regulating or prohibiting the transportation of explosives and dangerous materials or any class thereof by a vehicle on a highway;

(c) regulating the preparation and packaging of explosives and dangerous materials or any class thereof to be transported by a vehicle on a highway;

(d) requiring the labelling of packages and containers of explosives and dangerous materials or any class thereof and prescribing the labels to be attached to such packages and containers.

11.—(1) Subsection 1 of section 58 of *The Highway Traffic Act* is amended by adding at the end thereof "and motor vehicles and road-building machines while being used for the removal of snow from a highway", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 58,
subs. 1,
amended

(1) No vehicle, including load or contents, shall have a greater width than 96 inches, except traction engines or threshing machines which may have a total width of 110 inches, and except loads of loose fodder and motor vehicles and road-building machines while being used for the removal of snow from a highway. Width of
vehicle

(2) Subsection 2 of the said section 58 is amended by inserting after "and" in the third line "except as provided in subsection 2a", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 58,
subs. 2,
amended

Length of
vehicle or
combination
of vehicles

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 33 feet and, except as provided in subsection 2*a*, no combination of vehicles, including load or contents, coupled together shall exceed the total length of 50 feet.

R.S.O. 1960,
c. 172, s. 58,
amended

- (3) The said section 58 is amended by adding thereto the following subsection:

Length
of car
carriers

- (2*a*) No combination of vehicles that includes a trailer or semi-trailer and that is designed for the carriage of motor vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.

R.S.O. 1960,
c. 172, s. 58,
subs. 3,
amended

- (4) Subsection 3 of the said section 58 is amended by striking out "35" in the second line and inserting in lieu thereof "40", so that the subsection shall read as follows:

Length of
public
vehicle

- (3) No public vehicle, including load or contents, shall exceed the length of 40 feet.

R.S.O. 1960,
c. 172, s. 59,
subs. 1, cl. *f*,
amended

- 12.—**(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by inserting after "6" in the second line "6*a*", so that the clause shall read as follows:

- (*f*) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6*a*, 9 and 10; or

R.S.O. 1960,
c. 172, s. 59,
amended

- (2) The said section 59 is amended by adding thereto the following subsection:

Increase or
decrease on
township
and county
roads

- (6*a*) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area, urban area or suburban district than is prescribed in clause *a* of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour.

R.S.O. 1960,
c. 172, s. 59,
subs. 7,
amended

- (3) Subsection 7 of the said section 59 is amended by striking out "or 6" in the first line and inserting in lieu thereof "6 or 6*a*", so that the subsection shall read as follows:

Subsection 4. The amendment increases the maximum length of a public vehicle permitted under the Act from 35 feet to 40 feet.

SECTION 12. The amendments authorize townships and counties to pass by-laws with the approval of the Department to vary speed limits between 35 and 60 miles per hour on highways under their jurisdiction that are not within built-up areas, urban areas or suburban districts.

SECTION 13. At present the provisions respecting the passing of school buses do not apply in cities, towns, villages and built-up areas.

The amendments make the provisions applicable to all highways where the speed limit is greater than 35 miles per hour. Also the requirement to "not pass when bus is stopped" is changed to "not pass when signals are flashing".

The amendments are intended to provide the motoring public with a more understandable rule in respect of stopping for school buses.

- (7) No by-law passed under subsection 2, 3, 5, 6 or 6a ^{approval of by-laws} becomes effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

(4) Subsection 11 of the said section 59 is amended by ^{R.S.O. 1960, c. 172, s. 59, subs. 11, amended} striking out "or 5" in the first line and inserting in lieu thereof "5, 6 or 6a", so that the subsection shall read as follows:

- (11) Where a by-law is passed under subsection 2, 3, 4, ^{application of subs. 1} 5, 6 or 6a or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of *The Municipality of Metropolitan Toronto Act*, the rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation. ^{R.S.O. 1960, c. 260}

13.—(1) Clause *a* of subsection 1 of section 94 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "bus is stopped" in the second line and inserting in lieu thereof "signals flashing", so that the clause shall read as follows: ^{R.S.O. 1960, c. 172, s. 94 (1960-61, c. 34, s. 12), subs. 1, cl. a, amended}

- (a) bears on the rear thereof the words "do not pass when signals flashing"; and

.

(2) Subsection 2 of the said section 94 is amended by ^{R.S.O. 1960, c. 172, s. 94 (1960-61, c. 34, s. 12), subs. 2, amended} striking out "outside a city, town, village, police village or built-up area" in the first and second lines and inserting in lieu thereof "or part of a highway on which the maximum speed limit is greater than 35 miles per hour", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Where a school bus is stopped on a highway or part of a highway on which the maximum speed limit is ^{Duty of driver when school bus stopped on highway} greater than 35 miles per hour for the purpose of receiving or discharging school children, the driver of a vehicle,

.

(3) Clause *a* of subsection 2 of the said section 94 is amended by striking out "bus is stopped" in the second and third lines and inserting in lieu thereof "signals flashing", so that the clause shall read as follows: ^{R.S.O. 1960, c. 172, s. 94 (1960-61, c. 34, s. 12), subs. 2, cl. a, amended}

- (a) when overtaking the school bus on the rear of which the words "do not pass when signals flashing" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating.

R.S.O. 1960,
c. 172, s. 94
(1960-61,
c. 34, s. 12),
subs. 3,
amended

- (4) Subsection 3 of the said section 94 is amended by striking out "outside a city, town, village, police village or built-up area" in the second and third lines and inserting in lieu thereof "or part of a highway on which the maximum speed limit is greater than 35 miles per hour", so that the subsection shall read as follows:

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

R.S.O. 1960,
c. 172, s. 94
(1960-61,
c. 34, s. 12),
subs. 4,
amended

- (5) Subsection 4 of the said section 94 is amended by striking out "bus is stopped" in the first and second lines and inserting in lieu thereof "signals flashing", so that the subsection shall read as follows:

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when signals flashing" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

R.S.O. 1960,
c. 172,
amended

- 14.** *The Highway Traffic Act* is amended by adding thereto the following section:

Appointment
of officers
for carrying
out pro-
visions
of Act

- 159.—(1) The Minister may appoint one or more persons on the staff of the Department as an officer or officers for the purpose of carrying out all or any of the provisions of this Act, and any person so appointed has authority to act as a constable throughout Ontario for such purpose.

Certificate
of
appointment

- (2) A person appointed under subsection 1 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 1 and shall produce such certificate upon request.

SECTION 14. Self-explanatory.

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15.—(1) This Act, except sections 3 to 10 and section 13, ^{Commence-}
comes into force on the day it receives Royal Assent. ^{ment}

(2) Section 13 comes into force on the 1st day of June, 1962. ^{Idem}

(3) Sections 3 to 10 come into force on the 1st day of July, ^{Idem}
1962.

16. This Act may be cited as *The Highway Traffic Amend-* ^{Short title}
ment Act, 1961-62.

1st Reading

March 20th, 1962

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 104

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Highway Traffic Act

MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 104

1961-62

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

5a. "Deputy Minister" means the Deputy Minister of Transport.

(2) Paragraph 24 of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 24, re-enacted

24. "safety glass" means any product that is composed of glass and so manufactured, fabricated or treated as substantially to prevent the shattering and flying of the glass when struck or broken and that is approved by the Department, or such other or similar product that is approved by the Department.

2. Subsection 3 of section 3 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 3, subs. 3, re-enacted

(3) The Minister may authorize the Deputy Minister and the Registrar or either of them to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act and, where both the Deputy Minister and the Registrar are so authorized, either of them may exercise and discharge any of such powers and duties. Delegation of powers, etc., to Deputy Minister and Registrar

3. Subsection 3 of section 20 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1960-61*, is amended by inserting after "under" in the second line "subsection 4 of section 221 or", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 20 (1960-61, c. 34, s. 2), subs. 3, amended

Idem

1953-54,
c. 51 (Can.)

- (3) Where a person has been convicted of an offence under subsection 4 of section 221 or section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
amended

4.—(1) Section 21 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by inserting after “under” in the second line “subsection 4 of section 221 or”, so that subsection 1 of the said section shall read as follows:

Suspension
for driving
while ability
impaired
and for
dangerous
driving

- (1) Subject to section 22, the licence of a person who is convicted of an offence under subsection 4 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,
- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
 - (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172, s. 21,
amended

(2) The said section 21 is further amended by adding thereto the following subsection:

Subsequent
offence

- (2) Where a person who has been previously convicted of an offence mentioned in subsection 1 is convicted of the same or another offence mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21a
(1960-61,
c. 34, s. 4),
amended

5. Section 21a of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out “and 21” in the second line and inserting in lieu thereof “21 and 21b”, so that the section shall read as follows:

- 21a. Notwithstanding section 155, where a penalty is provided in sections 20, 21 and 21b for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

Interpretation of "subsequent" for ss. 20, 21, 21b

6. *The Highway Traffic Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 172, amended

- 21b. The licence of a person who is convicted of an offence under subsection 2 of section 221 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

Suspension for failure to stop at scene of accident 1953-54, c. 51 (Can.)

- (a) upon the first offence, where property damage only occurred in connection with the offence, three months;
- (b) upon the first offence, where injury to or the death of any person occurred in connection with the offence, six months;
- (c) upon any subsequent offence, six months, but where injury to or the death of any person occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

- 21c. The licence of a person who is convicted of an offence under subsection 3 of section 225 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of six months in addition to the period of suspension with respect to which he was convicted under such subsection 3.

Suspension for driving while disqualified

7.—(1) Subsection 3 of section 33 of *The Highway Traffic Act* is amended by striking out "300" in the seventh line and inserting in lieu thereof "350", so that the subsection shall read as follows:

R.S.O. 1960, c. 172, s. 33, subs. 3, amended

- (3) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render

Driving lights

clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 350 feet ahead of the motor vehicle.

R.S.O. 1960,
c. 172, s. 33,
amended

(2) The said section 33 is amended by adding thereto the following subsections:

Flashing
blue light
on snow-
removal
equipment

(31) No person shall operate on a highway a motor vehicle or road-building machine while being used for the removal of snow from a highway unless the motor vehicle or road-building machine is equipped with a lamp producing intermittent flashes of blue light visible for a distance of 500 feet.

Restriction
on use of
flashing
blue light

(32) No person shall use a lamp that automatically produces intermittent flashes of blue light on a motor vehicle or road-building machine other than a motor vehicle or road-building machine while being used for the removal of snow from a highway.

R.S.O. 1960,
c. 172, s. 35,
amended

8.—(1) Section 35 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Additional
brakes

(3a) The Lieutenant Governor in Council may make regulations,

(a) requiring vehicles or any type or class thereof to be equipped with brakes or braking systems in addition to the brakes required by subsection 1, 2 or 3; and

(b) prescribing the standards and specifications of brakes and braking systems or any class or type thereof that are required by this section or regulations made under clause *a*.

R.S.O. 1960,
c. 172, s. 35,
subs. 6,
amended

(2) Subsection 6 of the said section 35 is amended by inserting after "section" in the second line "or any regulation made thereunder", so that the subsection shall read as follows:

Penalty

(6) Every person who contravenes any of the provisions of this section or any regulation made thereunder is liable, for the first offence to a fine of not less than \$10 and not more than \$50; for the second offence to a fine of not less than \$20 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than \$50 and not more than \$200 and is also liable

to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

41a. Every bus when operated on a highway shall be equipped with a speedometer which shall be maintained in good working order. Speedo-
meters
required
in buses

10. Subsection 1 of section 57 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 57,
subs. 1,
re-enacted

(1) The Lieutenant Governor in Council may make regulations, Regulation
of carriage
of explosives,
etc.

(a) classifying and defining explosives and dangerous materials;

(b) regulating or prohibiting the transportation of explosives and dangerous materials or any class thereof by a vehicle on a highway;

(c) regulating the preparation and packaging of explosives and dangerous materials or any class thereof to be transported by a vehicle on a highway;

(d) requiring the labelling of packages and containers of explosives and dangerous materials or any class thereof and prescribing the labels to be attached to such packages and containers.

11.—(1) Subsection 1 of section 58 of *The Highway Traffic Act* is amended by adding at the end thereof "and motor vehicles and road-building machines while being used for the removal of snow from a highway", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 58,
subs. 1,
amended

(1) No vehicle, including load or contents, shall have a greater width than 96 inches, except traction engines or threshing machines which may have a total width of 110 inches, and except loads of loose fodder and motor vehicles and road-building machines while being used for the removal of snow from a highway. Width of
vehicle

(2) Subsection 2 of the said section 58 is amended by inserting after "and" in the third line "except as provided in subsection 2a", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 58,
subs. 2,
amended

Length of
vehicle or
combination
of vehicles

- (2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 33 feet and, except as provided in subsection 2*a*, no combination of vehicles, including load or contents, coupled together shall exceed the total length of 50 feet.

R.S.O. 1960,
c. 172, s. 58,
amended

- (3) The said section 58 is amended by adding thereto the following subsection:

Length
of car
carriers

- (2*a*) No combination of vehicles that includes a trailer or semi-trailer and that is designed for the carriage of motor vehicles, including load or contents, coupled together shall exceed the total length of 60 feet.

R.S.O. 1960,
c. 172, s. 58,
subs. 3,
amended

- (4) Subsection 3 of the said section 58 is amended by striking out "35" in the second line and inserting in lieu thereof "40", so that the subsection shall read as follows:

Length of
public
vehicle

- (3) No public vehicle, including load or contents, shall exceed the length of 40 feet.

R.S.O. 1960,
c. 172, s. 59,
subs. 1, cl. *f*,
amended

- 12.—**(1) Clause *f* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by inserting after "6" in the second line "6*a*", so that the clause shall read as follows:

- (*f*) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 6*a*, 9 and 10; or

.

R.S.O. 1960,
c. 172, s. 59,
amended

- (2) The said section 59 is amended by adding thereto the following subsection:

increase or
decrease on
township
and county
roads

- (6*a*) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area, urban area or suburban district than is prescribed in clause *a* of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour.

R.S.O. 1960,
c. 172, s. 59,
subs. 7,
amended

- (3) Subsection 7 of the said section 59 is amended by striking out "or 6" in the first line and inserting in lieu thereof "6 or 6*a*", so that the subsection shall read as follows:

- (7) No by-law passed under subsection 2, 3, 5, 6 or 6a ^{approval of by-laws} becomes effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations.

(4) Subsection 11 of the said section 59 is amended by ^{R.S.O. 1960, c. 172, s. 59, subs. 11, amended} striking out "or 5" in the first line and inserting in lieu thereof "5, 6 or 6a", so that the subsection shall read as follows:

- (11) Where a by-law is passed under subsection 2, 3, 4, ^{application of subs. 1} 5, 6 or 6a or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of *The Municipality of Metropolitan Toronto Act*, ^{R.S.O. 1960, c. 260} the rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation.

13.—(1) Clause *a* of subsection 1 of section 94 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "bus is stopped" in the second line and inserting in lieu thereof "signals flashing", so that the clause shall read as follows: ^{R.S.O. 1960, c. 172, s. 94 (1960-61, c. 34, s. 12), subs. 1, cl. a, amended}

- (a) bears on the rear thereof the words "do not pass when signals flashing"; and

.

(2) Subsection 2 of the said section 94 is amended by ^{R.S.O. 1960, c. 172, s. 94 (1960-61, c. 34, s. 12), subs. 2, amended} striking out "outside a city, town, village, police village or built-up area" in the first and second lines and inserting in lieu thereof "or part of a highway on which the maximum speed limit is greater than 35 miles per hour", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Where a school bus is stopped on a highway or part of a highway on which the maximum speed limit is ^{Duty of driver when school bus stopped on highway} greater than 35 miles per hour for the purpose of receiving or discharging school children, the driver of a vehicle,

.

(3) Clause *a* of subsection 2 of the said section 94 is amended ^{R.S.O. 1960, c. 172, s. 94 (1960-61, c. 34, s. 12), subs. 2, cl. a, amended} by striking out "bus is stopped" in the second and third lines and inserting in lieu thereof "signals flashing", so that the clause shall read as follows:

- (a) when overtaking the school bus on the rear of which the words "do not pass when signals flashing" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating.

R.S.O. 1960,
c. 172, s. 94
(1960-61,
c. 34, s. 12),
subs. 3,
amended

- (4) Subsection 3 of the said section 94 is amended by striking out "outside a city, town, village, police village or built-up area" in the second and third lines and inserting in lieu thereof "or part of a highway on which the maximum speed limit is greater than 35 miles per hour", so that the subsection shall read as follows:

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway or part of a highway on which the maximum speed limit is greater than 35 miles per hour, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

R.S.O. 1960,
c. 172, s. 94
(1960-61,
c. 34, s. 12),
subs. 4,
amended

- (5) Subsection 4 of the said section 94 is amended by striking out "bus is stopped" in the first and second lines and inserting in lieu thereof "signals flashing", so that the subsection shall read as follows:

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when signals flashing" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

R.S.O. 1960,
c. 172,
amended

- 14.** *The Highway Traffic Act* is amended by adding thereto the following section:

Appointment
of officers
for carrying
out pro-
visions
of Act

- 159.—(1) The Minister may appoint one or more persons on the staff of the Department as an officer or officers for the purpose of carrying out all or any of the provisions of this Act, and any person so appointed has authority to act as a constable throughout Ontario for such purpose.

Certificate
of
appointment

- (2) A person appointed under subsection 1 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 1 and shall produce such certificate upon request.

15.—(1) This Act, except sections 3 to 10 and section 13, ^{Commence-}_{ment} comes into force on the day it receives Royal Assent.

(2) Section 13 comes into force on the 1st day of June, 1962. ^{Idem}

(3) Sections 3 to 10 come into force on the 1st day of July, ^{Idem} 1962.

16. This Act may be cited as *The Highway Traffic Amend-* ^{Short title}
ment Act, 1961-62.

1st Reading

March 20th, 1962

2nd Reading

April 5th, 1962

3rd Reading

April 17th, 1962

MR. ROWNTREE

BILL 105

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Dead Animal Disposal Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The new subsection prohibits the transporting of a fallen animal while it is still alive.

SECTION 2. The amendment prohibits the sale or offering for sale of meat of dead animals for human consumption at a receiving plant or rendering plant.

SECTION 3. The amendment permits the Commissioner, after a hearing, to refuse to issue a licence, subject to the right of an appeal to the Minister.

SECTION 4. The amendment makes it a condition of the licence that the business of the holder of the licence is not connected with any business in respect of the slaughtering of animals or the processing or sale of meat for human consumption.

BILL 105

1961-62

An Act to amend The Dead Animal Disposal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Dead Animal Disposal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 88, s. 3,
amended

(3) No person shall move a fallen animal before it has ^{Idem} been killed.

2. Subsection 3 of section 4 of *The Dead Animal Disposal Act* is amended by striking out "or store" in the first line and inserting in lieu thereof "store, offer for sale or sell", so that the subsection shall read as follows: R.S.O. 1960,
c. 88, s. 4,
subs. 3,
amended

(3) No person shall process, store, offer for sale or sell <sup>Processing,
selling or
storing
meats</sup> meat or products made therefrom for human consumption at a receiving plant or a rendering plant.

3. Section 5 of *The Dead Animal Disposal Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 88, s. 5,
amended

(2) The Commissioner may, after a hearing, refuse to <sup>Refusal to
issue licence</sup> issue a licence under subsection 1 for any reason that he deems proper.

(3) Any person to whom the Commissioner has refused ^{Appeal} to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued.

4. Section 6 of *The Dead Animal Disposal Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 88, s. 6,
amended

(aa) carries on his business in a manner that prevents any relationship between the ownership, manage-

ment or operation of his business and any business in respect of the slaughtering of animals or the processing or sale of meat for human consumption.

R.S.O. 1960,
c. 88, s. 10,
re-enacted

5. Section 10 of *The Dead Animal Disposal Act* is repealed and the following substituted therefor:

Offences

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 and for a subsequent offence to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months.

R.S.O. 1960,
c. 88, s. 11,
amended

6. Section 11 of *The Dead Animal Disposal Act* is amended by adding thereto the following clauses:

(ea) providing for the processing at a receiving plant or a rendering plant of meat obtained from dead animals and for the treatment of the meat for purposes of identification;

(eb) providing for the exemption from the regulations, or any part thereof, of any person or group of persons or any class or classes of meat.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1961-62*.

SECTION 5. The amendment increases the penalties for offences against the Act or the regulations.

SECTION 6. The amendment provides for the identification of meat from dead animals and permits exemptions from the regulations of persons or classes of meat.



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 535 North Dearborn Street, Chicago, Ill. 60610

Volume 191, Number 17, May 19, 1974

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1st Reading

March 20th, 1962

2nd Reading

3rd Reading

MR. STEWART

BILL 105

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Dead Animal Disposal Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 105

1961-62

An Act to amend The Dead Animal Disposal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Dead Animal Disposal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 88, s. 3,
amended

(3) No person shall move a fallen animal before it has been killed. Idem

2. Subsection 3 of section 4 of *The Dead Animal Disposal Act* is amended by striking out "or store" in the first line and inserting in lieu thereof "store, offer for sale or sell", so that the subsection shall read as follows: R.S.O. 1960,
c. 88, s. 4,
subs. 3,
amended

(3) No person shall process, store, offer for sale or sell meat or products made therefrom for human consumption at a receiving plant or a rendering plant. Processing,
selling or
storing
meats

3. Section 5 of *The Dead Animal Disposal Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 88, s. 5,
amended

(2) The Commissioner may, after a hearing, refuse to issue a licence under subsection 1 for any reason that he deems proper. Refusal to
issue licence

(3) Any person to whom the Commissioner has refused to issue a licence under subsection 2 may appeal the decision of the Commissioner to the Minister, and the Minister may confirm the decision or order the licence to be issued. Appeal

4. Section 6 of *The Dead Animal Disposal Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 88, s. 6,
amended

(aa) carries on his business in a manner that prevents any relationship between the ownership, manage-

ment or operation of his business and any business in respect of the slaughtering of animals or the processing or sale of meat for human consumption.

R.S.O. 1960,
c. 88, s. 10,
re-enacted

5. Section 10 of *The Dead Animal Disposal Act* is repealed and the following substituted therefor:

Offences

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 and for a subsequent offence to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months.

R.S.O. 1960,
c. 88, s. 11,
amended

6. Section 11 of *The Dead Animal Disposal Act* is amended by adding thereto the following clauses:

(*ea*) providing for the processing at a receiving plant or a rendering plant of meat obtained from dead animals and for the treatment of the meat for purposes of identification;

(*eb*) providing for the exemption from the regulations, or any part thereof, of any person or group of persons or any class or classes of meat.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1961-62*.



An Act to amend
The Dead Animal Disposal Act

1st Reading

March 20th, 1962

2nd Reading

April 11th, 1962

3rd Reading

April 17th, 1962

MR. STEWART

BILL 106

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Motor Vehicle Fuel Tax Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

GENERAL. The purpose of this Bill is to change the basis upon which penalties charged under the Act may be imposed and in some cases to alter the amount of the penalty that may be imposed.

SECTION 1—Subsection 1. Corrects a typographical error.

Subsection 2. The repealed subsection required a penalty of \$100 to be paid and did not require summary conviction of the person in default before the penalty was payable.

SECTION 2. The repealed subsection required payment of a penalty of the amount of the tax plus \$50 and did not require summary conviction of the person in default before the penalty was payable.

SECTION 3. The repealed subsection 5 required payment of the penalty of the amount of the tax plus \$500 and did not require summary conviction of the person in default before the penalty was payable.

The repealed subsection 6 provided for payment of the same penalty as the new subsection but did not require summary conviction of the person in default before the penalty was payable.

BILL 106

1961-62

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 2 of *The Motor Vehicle Fuel Tax Act* is amended by striking out "of" in the eighth line and inserting in lieu thereof "or". R.S.O. 1960,
c. 248, s. 2,
subs. 5,
amended

(2) Subsection 6 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960,
c. 248, s. 2,
subs. 6,
re-enacted

(6) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100. Penalty

2. Subsection 4 of section 3 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 248, s. 3,
subs. 4,
re-enacted

(4) Every person who fails to pay the tax imposed by subsection 1 or 2 when required by this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax he failed to pay and \$10, and not more than the amount of the tax he failed to pay and \$1,000. Penalty

3. Subsections 5 and 6 of section 7 of *The Motor Vehicle Fuel Tax Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 248, s. 7,
subs. 5, 6,
re-enacted

(5) Every registrant who refuses or neglects to collect the tax in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that he refused or neglected to collect and \$10, and not more than the amount of the tax that he refused or neglected to collect and \$1,000. Penalty for
failure to
collect tax

Penalty for failure of employee to collect tax

- (6) Every employee of a registrant who permits or authorizes or is a party or privy to supplying fuel to a purchaser without collecting from the purchaser the tax imposed by this Act is guilty of an offence and on summary conviction is liable to a fine equal to the amount of the tax and \$50.

R.S.O. 1960, c. 248, s. 8, subss. 3, 4, re-enacted

4. Subsections 3 and 4 of section 8 of *The Motor Vehicle Fuel Tax Act* are repealed and the following substituted therefor:

Penalty for failure to deliver return

- (3) Every registrant who fails to comply with subsection 1 shall pay a penalty of,

(a) \$10; or

(b) 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him,

whichever is the greater, but in no case shall such penalty be more than \$500.

Penalty for failure to complete return

- (4) Every registrant who fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$20.

R.S.O. 1960, c. 248, s. 10, subs. 4, re-enacted

5. Subsection 4 of section 10 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor:

Penalty

- (4) For every default in complying with subsection 1, 2 or 3, the person in default is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

R.S.O. 1960, c. 248, s. 15, re-enacted

6. Section 15 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor:

Disposition of fines; penalties payable on demand

15. The fines imposed for offences under this Act shall be paid over to the Treasurer, and every penalty imposed by this Act is payable upon and in accordance with the demand of the Treasurer therefor.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1961-62*.

SECTION 4. The repealed subsection 3 imposed a penalty for late filing of a return of 5 per cent of the tax collectable and 5 per cent of the tax payable by the registrant, plus a further penalty of 1 cent for each gallon of fuel received and 1 cent for each gallon of fuel supplied by the registrant. The latter portion of the penalty has been proven to be out of proportion to the seriousness of the default and is replaced by a minimum penalty of \$10.

The repealed subsection 4 provided for the same penalty as the new subsection but did not require summary conviction of the person in default before the penalty was payable.

SECTION 5. The repealed subsection imposed the same penalty but did not require summary conviction of the person in default before the penalty was payable.

SECTION 6. Complementary to sections 1 to 5 of this Bill. No change in principle.

The first of these is the fact that the
 government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.
 The second is the fact that the
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The Motor Vehicle Fuel Tax Act

1st Reading

March 20th, 1962

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 106

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Motor Vehicle Fuel Tax Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

The House of Commons
 26th January 1902

The Motor Vehicle Tax Act
 As it is amended

The Motor Vehicle Tax Act

BILL 106

1961-62

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 2 of *The Motor Vehicle Fuel Tax Act* is amended by striking out "of" in the eighth line and inserting in lieu thereof "or". R.S.O. 1960,
c. 248, s. 2,
subs. 5,
amended

(2) Subsection 6 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960,
c. 248, s. 2,
subs. 6,
re-enacted

(6) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100.

2. Subsection 4 of section 3 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 248, s. 3,
subs. 4,
re-enacted

(4) Every person who fails to pay the tax imposed by subsection 1 or 2 when required by this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax he failed to pay and \$10, and not more than the amount of the tax he failed to pay and \$1,000. Penalty

3. Subsections 5 and 6 of section 7 of *The Motor Vehicle Fuel Tax Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 248, s. 7,
subs. 5, 6,
re-enacted

(5) Every registrant who refuses or neglects to collect the tax in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that he refused or neglected to collect and \$10, and not more than the amount of the tax that he refused or neglected to collect and \$1,000. Penalty for
failure to
collect tax

Penalty for
failure of
employee to
collect tax

- (6) Every employee of a registrant who permits or authorizes or is a party or privy to supplying fuel to a purchaser without collecting from the purchaser the tax imposed by this Act is guilty of an offence and on summary conviction is liable to a fine equal to the amount of the tax and \$50.

R.S.O. 1960,
c. 248, s. 8,
subss. 3, 4,
re-enacted

4. Subsections 3 and 4 of section 8 of *The Motor Vehicle Fuel Tax Act* are repealed and the following substituted therefor:

Penalty for
failure to
deliver
return

- (3) Every registrant who fails to comply with subsection 1 shall pay a penalty of,

(a) \$10; or

(b) 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him,

whichever is the greater, but in no case shall such penalty be more than \$500.

Penalty for
failure to
complete
return

- (4) Every registrant who fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$20.

R.S.O. 1960,
c. 248, s. 10,
subss. 4,
re-enacted

5. Subsection 4 of section 10 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor:

Penalty

- (4) For every default in complying with subsection 1, 2 or 3, the person in default is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

R.S.O. 1960,
c. 248, s. 15,
re-enacted

6. Section 15 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor:

Disposition
of fines;
penalties
payable on
demand

15. The fines imposed for offences under this Act shall be paid over to the Treasurer, and every penalty imposed by this Act is payable upon and in accordance with the demand of the Treasurer therefor.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1961-62*.

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The Motor Vehicle Fuel Tax Act

1st Reading

March 20th, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ALLAN (Haldimand-Norfolk)

BILL 107

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Assessment Act

MR. CASS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

AN ORDINANCE OF THE BOARD OF SUPERVISORS

EXPLANATORY NOTES

SECTION 1. The amendment is for the purpose of clarification only.

SECTION 2—Subsection 1. At present, the assessor is required to enter on the assessment roll the name of the husband or wife of an owner or tenant who is entitled to be a municipal elector. The amendment provides that only the names of husbands or wives who are resident in or within five miles of the municipality shall be entered on the roll.

Subsection 2. The amendment is to make the information required in the columns of the assessment roll conform to that in the clerk's general return.

BILL 107

1961-62

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61*, is further amended by inserting after "43" in the first line "and except as otherwise provided in this or any other Act", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

9. Subject to section 43 and except as otherwise provided in this or any other Act, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee.

Municipal
property

R.S.O. 1960,
c. 98

2.—(1) Paragraph 9 of subsection 1 of section 20 of *The Assessment Act* is amended by adding at the end thereof "unless the wife or husband does not reside in or within five miles of the municipality", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 23, s. 20,
subs. 1,
par. 9,
amended

9. The assessor shall also enter on the roll, bracketed with the name of the owner or tenant, the name of the husband or wife, as the case may be, of such owner or tenant who is entitled to be a municipal elector under *The Municipal Act* unless the wife or husband does not reside in or within five miles of the municipality.

Entry of
name of
wife or
husband
of person
rated

R.S.O. 1960,
c. 249

(2) Column 24 of subsection 2 of the said section 20 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 20,
subs. 2,
col. 24,
re-enacted

Column 24. Vacation resort assessment (include value of both land and buildings used as hotels for summer use, ski and hunting lodges, etc., but not summer cottages).

R.S.O. 1960,
c. 23, s. 27,
subs. 1,
amended

3. Subsection 1 of section 27 of *The Assessment Act* is amended by inserting after "ratepayer" in the fifth line "or school board", so that the subsection shall read as follows:

School
support

- (1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer or school board may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

R.S.O. 1960,
c. 23, s. 35,
subs. 3a
(1960-61,
c. 4, s. 4,
subs. 2),
amended

4. Subsection 3a of section 35 of *The Assessment Act*, as enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the end thereof "unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner", so that the subsection shall read as follows:

Where
owner dies
or retires

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner.

R.S.O. 1960,
c. 23, s. 43,
amended

5. Section 43 of *The Assessment Act* is amended by adding thereto the following subsection:

Collection
of payments

- (14) The provisions of this Act with respect to the collection of taxes apply *mutatis mutandis* to the payments required to be made by a commission under this section.

SECTION 3. The amendment authorizes school boards to appeal to the court of revision.

SECTION 4. At present, the benefit of the exemption under subsection 3a ceases two years after the death or retirement of the owner. The amendment continues the exemption so long as the land is occupied by the retired owner or by the surviving spouse of a deceased owner.

SECTION 5. The new subsection authorizes municipalities to require commissions to make payments at the same time and in the same manner as taxes are paid and authorizes the imposition of penalties for arrears of payments.

SECTION 6. The amendment authorizes school boards to appeal to the court of revision.

SECTION 7. The amendment authorizes school boards to appeal to the county judge.

SECTION 8. The amendment authorizes a school board to appeal to the Municipal Board.

SECTION 9. Self-explanatory.

6. Section 72 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 72,
amended

- (23) For the purposes of this section, a school board shall be deemed to be a person assessed. School board
deemed
person
assessed

7. Subsection 1 of section 75 of *The Assessment Act* is amended by inserting after "corporation" in the second line "or a school board", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 75,
subs. 1,
amended

- (1) An appeal to the county judge lies, at the instance of the municipal corporation or a school board, or at the instance of the assessor or assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality, not only against a decision of the court of revision on an appeal to that court, but also against any omission, neglect or refusal of that court to hear or decide an appeal. Appeal lies
from
decision
or refusal
to decide

8. Subsection 1 of section 83 of *The Assessment Act* is amended by inserting after "corporation" in the first line "a school board", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 83,
subs. 1,
amended

- (1) The municipal corporation, a school board, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board. Appeals to
Municipal
Board

9. *The Assessment Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 23,
amended

93b.—(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor thereafter has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County
assessor
appointed
local
assessor

- (2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the 31st day of December in Local muni-
cipalities
not to
employ
assessors

that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

Application
of sec. 130
in local
municipali-
ties

- (3) Where a by-law is passed in any year by the council of a county appointing a county assessor as assessor for one or more local municipalities, section 130 does not apply after the 31st day of December of that year in such a local municipality.

Staff

- (4) The county assessor may employ such assistants and other staff for the performance of his additional duties by reason of his appointment as assessor for a local municipality under this section as may be authorized by the council of the county.

Costs

- (5) Any additional cost incurred by the county by reason of the county assessor having been appointed assessor for a local municipality under this section shall be borne by such local municipality and, if he has been appointed assessor for more than one local municipality, shall be apportioned among such local municipalities in the ratio that the assessment of each of such local municipalities bears to the total assessment of all such local municipalities.

Application
of secs.
65a, 65b

- (6) Where a by-law appointing a county assessor as assessor for one or more local municipalities is passed under this section, sections 65a and 65b apply *mutatis mutandis* to the local municipalities for which the county assessor is appointed assessor.

Repeal of
by-law

- (7) No by-law passed under this section appointing the county assessor as assessor for one or more local municipalities shall be repealed without the approval of the Minister.

Grants

- 93c. The Minister may make regulations providing for the payment of grants to counties that have passed a by-law appointing a county assessment commissioner under section 93a or appointing a county assessor as assessor for a local municipality under section 93b, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature.

Received of the Treasurer of the County of ...
the sum of ... Dollars ...

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SECTION 10. These provisions are transferred to section 98 of the Act. See section 11 of this Bill.

SECTION 11. The provisions of section 94 dealing with the apportionment of county rates are transferred from that section and included with the other provisions of section 98 dealing with the same subject-matter.

10. Subsections 2 and 3 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, are repealed.

R.S.O. 1960,
c. 23, s. 94,
subss. 2, 3
(1960-61,
c. 4, s. 15),
repealed

11. Section 98 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 98,
re-enacted

98.—(1) The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, subject to subsections 2 and 3, in order that the same may be assessed equally on the whole rateable property of the county, make the aggregate valuations of the municipalities as determined in the preceding year under section 94 the basis upon which the apportionment is made.

Apportion-
ment of
county
rates, how
to be
based

(2) Where, in the year preceding the year in which an apportionment is made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by,

Assessment
equivalent
of mining
revenue
payments
to be
added to
aggregate
valuations

(a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1000; and

(b) dividing the product obtained under clause *a* by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

R.S.O. 1960,
c. 249

(c) increasing or decreasing the quotient obtained under clause *b* by the same percentage, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1 of section 94,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

(3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes

Valuations
on which
payments in
lieu of taxes
paid to be
added to
aggregate
valuations

from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

R.S.O. 1960,
c. 23, s. 134,
subs. 2,
amended

12. Subsection 2 of section 134 of *The Assessment Act* is amended by striking out "June" in the fifth line and inserting in lieu thereof "April", so that the subsection shall read as follows:

Contents
of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer is not bound to receive any such statement after the 7th day of April in each year.

R.S.O. 1960,
c. 23, s. 150,
subs. 1
(1960-61,
c. 4, s. 19),
re-enacted

13. Subsection 1 of section 150 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Interest
on tax
arrears

- (1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding two-thirds of 1 per cent per month.

R.S.O. 1960
c. 23, s. 205,
subs. 1,
amended

14. Subsection 1 of section 205 of *The Assessment Act* is amended by striking out "and to the Township of Barton in the County of Wentworth" in the eighth line.

Commence-
ment

15.—(1) This Act, except subsection 1 of section 2 and sections 4, 5 and 13, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1962.

SECTION 12. The amendment advances the date for furnishing the statement of unpaid taxes to the treasurer of the county in line with the time for the return of the roll from the collector to the municipal treasurer which was advanced by an amendment in 1956.

SECTION 13. Subsection 1 is re-enacted to make it clear that the right to increase the interest rate to be charged on tax arrears is in the discretion of council and not the treasurer.

SECTION 14. The reference to the Township of Barton is deleted as this township disappeared by annexation to the City of Hamilton on January 1, 1960.

(3) Section 13 comes into force on the 1st day of July, 1962. *Idem*

(4) Subsection 1 of section 2 and section 5 come into force *Idem* on the 1st day of January, 1963.

16. This Act may be cited as *The Assessment Amendment* Short title
Act, 1961-62.

THE ASSESSMENT ACT

1st Reading

March 20th, 1962

2nd Reading

3rd Reading

MR. CASS

1961-62

BILL 107

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to Amend The Assessment Act

MR. CASS

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The amendment is for the purpose of clarification only.

SECTION 2—Subsection 1. At present, the assessor is required to enter on the assessment roll the name of the husband or wife of an owner or tenant who is entitled to be a municipal elector. The amendment provides that only the names of husbands or wives who are resident in or within five miles of the municipality shall be entered on the roll.

Subsection 2. The amendment is to make the information required in the columns of the assessment roll conform to that in the clerk's general return.

BILL 107

1961-62

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61*, is further amended by inserting after "43" in the first line "and except as otherwise provided in this or any other Act", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

9. Subject to section 43 and except as otherwise provided in this or any other Act, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee.

Municipal
property

R.S.O. 1960,
c. 98

2.—(1) Paragraph 9 of subsection 1 of section 20 of *The Assessment Act* is amended by adding at the end thereof "unless the wife or husband does not reside in or within five miles of the municipality", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 23, s. 20,
subs. 1,
par. 9,
amended

9. The assessor shall also enter on the roll, bracketed with the name of the owner or tenant, the name of the husband or wife, as the case may be, of such owner or tenant who is entitled to be a municipal elector under *The Municipal Act* unless the wife or husband does not reside in or within five miles of the municipality.

Entry of
name of
wife or
husband
of person
rated

R.S.O. 1960,
c. 249

(2) Column 24 of subsection 2 of the said section 20 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 20,
subs. 2,
col. 24,
re-enacted

Column 24. Vacation resort assessment (include value of both land and buildings used as hotels for summer use, ski and hunting lodges, etc., but not summer cottages).

R.S.O. 1960,
c. 23, s. 27,
subs. 1,
amended

3. Subsection 1 of section 27 of *The Assessment Act* is amended by inserting after "ratepayer" in the fifth line "or school board", so that the subsection shall read as follows:

School
support

- (1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer or school board may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

4.—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "whose principal occupation is farming" in the third line, so that the subsection shall read as follows:

Farm lands
and
buildings

- (3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1960,
c. 23, s. 35,
subs. 3a
(1960-61,
c. 4, s. 4,
subs. 2),
amended

(2) Subsection 3a of the said section 35, as enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the end thereof "unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner", so that the subsection shall read as follows:

SECTION 3. The amendment authorizes school boards to appeal to the court of revision.

SECTION 4—Subsection 1. Subsection 3 provides that, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming, consideration shall be given to the sale value of such lands and buildings for farming purposes only. The amendment deletes the requirement that the principal occupation of the owner be farming.

Subsection 2. At present, the benefit of the exemption under subsection 3a ceases two years after the death or retirement of the owner. The amendment continues the exemption so long as the land is occupied by the retired owner or by the surviving spouse of a deceased owner.

SECTION 5. The new subsection authorizes municipalities to require commissions to make payments at the same time and in the same manner as taxes are paid and authorizes the imposition of penalties for arrears of payments.

SECTION 6. The amendment authorizes school boards to appeal to the court of revision.

SECTION 7. The amendment authorizes school boards to appeal to the county judge.

SECTION 8. The amendment authorizes a school board to appeal to the Municipal Board.

SECTION 9. Self-explanatory.

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner.

Where
owner dies
or retires

5. Section 43 of *The Assessment Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 23, s. 43,
amended

- (14) The provisions of this Act with respect to the collection of taxes apply *mutatis mutandis* to the payments required to be made by a commission under this section.

Collection
of payments

6. Section 72 of *The Assessment Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 23, s. 72,
amended

- (23) For the purposes of this section, a school board shall be deemed to be a person assessed.

School board
deemed
person
assessed

7. Subsection 1 of section 75 of *The Assessment Act* is amended by inserting after "corporation" in the second line "or a school board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 23, s. 75,
subs. 1,
amended

- (1) An appeal to the county judge lies, at the instance of the municipal corporation or a school board, or at the instance of the assessor or assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality, not only against a decision of the court of revision on an appeal to that court, but also against any omission, neglect or refusal of that court to hear or decide an appeal.

Appeal lies
from
decision
or refusal
to decide

8. Subsection 1 of section 83 of *The Assessment Act* is amended by inserting after "corporation" in the first line "a school board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 23, s. 83,
subs. 1,
amended

- (1) The municipal corporation, a school board, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board.

Appeals to
Municipal
Board

9. *The Assessment Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 23,
amended

County
assessor
appointed
local
assessor

93b.—(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor thereafter has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

Local muni-
cipalities
not to
employ
assessors

(2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the 31st day of December in that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

Application
of sec. 130
in local
municipali-
ties

(3) Where a by-law is passed in any year by the council of a county appointing a county assessor as assessor for one or more local municipalities, section 130 does not apply after the 31st day of December of that year in such a local municipality.

Staff

(4) The county assessor may employ such assistants and other staff for the performance of his additional duties by reason of his appointment as assessor for a local municipality under this section as may be authorized by the council of the county.

Costs

(5) Any additional cost incurred by the county by reason of the county assessor having been appointed assessor for a local municipality under this section shall be borne by such local municipality and, if he has been appointed assessor for more than one local municipality, shall be apportioned among such local municipalities in the ratio that the assessment of each of such local municipalities bears to the total assessment of all such local municipalities.

Application
of secs.
65a, 65b

(6) Where a by-law appointing a county assessor as assessor for one or more local municipalities is passed under this section, sections 65a and 65b apply *mutatis mutandis* to the local municipalities for which the county assessor is appointed assessor.

1. The first of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

2. The second of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

3. The third of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

4. The fourth of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

5. The fifth of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

6. The sixth of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

7. The seventh of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

8. The eighth of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

9. The ninth of these is the fact that the
theoretical model of the system is not
completely correct. The model is based on
the assumption that the system is in a state of
equilibrium. This is not the case in the
actual system.

SECTION 10. These provisions are transferred to section 98 of the Act. See section 11 of this Bill.

SECTION 11. The provisions of section 94 dealing with the apportionment of county rates are transferred from that section and included with the other provisions of section 98 dealing with the same subject-matter.

- (7) No by-law passed under this section appointing the county assessor as assessor for one or more local municipalities shall be repealed without the approval of the Minister. Repeal of by-law

93c. The Minister may make regulations providing for the payment of grants to counties that have passed a by-law appointing a county assessment commissioner under section 93a or appointing a county assessor as assessor for a local municipality under section 93b, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature. Grants

10. Subsections 2 and 3 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, are repealed. R.S.O. 1960, c. 23, s. 94, subss. 2, 3 (1960-61, c. 4, s. 15), repealed

11. Section 98 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 98, re-enacted

98.—(1) The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, subject to subsections 2 and 3, in order that the same may be assessed equally on the whole rateable property of the county, make the aggregate valuations of the municipalities as determined in the preceding year under section 94 the basis upon which the apportionment is made. Apportionment of county rates, how to be based

- (2) Where, in the year preceding the year in which an apportionment is made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by, Assessment equivalent of mining revenue payments to be added to aggregate valuations

(a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1000; and

(b) dividing the product obtained under clause a by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses a, b and c of subsection 2 of section 294 of *The Municipal Act*; and

R.S.O. 1960, c. 249

(c) increasing or decreasing the quotient obtained under clause b by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

Valuations
on which
payments in
lieu of taxes
paid to be
added to
aggregate
valuations

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

R.S.O. 1960,
c. 23, s. 134,
subs. 2,
amended

12. Subsection 2 of section 134 of *The Assessment Act* is amended by striking out "June" in the fifth line and inserting in lieu thereof "April", so that the subsection shall read as follows:

Contents
of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer is not bound to receive any such statement after the 7th day of April in each year.

R.S.O. 1960,
c. 23, s. 150,
subs. 1
(1960-61,
c. 4, s. 19),
re-enacted

13. Subsection 1 of section 150 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Interest
on tax
arrears

- (1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding two-thirds of 1 per cent per month.

R.S.O. 1960
c. 23, s. 205,
subs. 1,
amended

14. Subsection 1 of section 205 of *The Assessment Act* is amended by striking out "and to the Township of Barton in the County of Wentworth" in the eighth line.

SECTION 12. The amendment advances the date for furnishing the statement of unpaid taxes to the treasurer of the county in line with the time for the return of the roll from the collector to the municipal treasurer which was advanced by an amendment in 1956.

SECTION 13. Subsection 1 is re-enacted to make it clear that the right to increase the interest rate to be charged on tax arrears is in the discretion of council and not the treasurer.

SECTION 14. The reference to the Township of Barton is deleted as this township disappeared by annexation to the City of Hamilton on January 1, 1960.

15.—(1) This Act, except subsection 1 of section 2 and sections 4, 5 and 13, comes into force on the day it receives ^{Commence-}
Royal Assent.
^{ment}

(2) Section 4 shall be deemed to have come into force on ^{Idem}
the 1st day of January, 1962.

(3) Section 13 comes into force on the 1st day of July, 1962. ^{Idem}

(4) Subsection 1 of section 2 and section 5 come into force ^{Idem}
on the 1st day of January, 1963.

16. This Act may be cited as *The Assessment Amendment* ^{Short title}
Act, 1961-62.

THE ACT TO AMEND
The Assessment Act

1st Reading

March 20th, 1962

2nd Reading

April 6th, 1962

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Municipal Law)

BILL 107

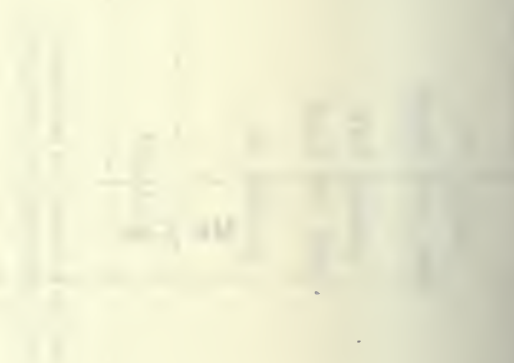
**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Assessment Act

MR. CASS

THE UNIVERSITY OF CHICAGO
 1001 UNIVERSITY ST. CHICAGO, ILL.

THE UNIVERSITY OF CHICAGO



BILL 107

1961-62

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61*, is further amended by inserting after "43" in the first line "and except as otherwise provided in this or any other Act", so that the paragraph shall read as follows:

9. Subject to section 43 and except as otherwise provided in this or any other Act, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee.

2.—(1) Paragraph 9 of subsection 1 of section 20 of *The Assessment Act* is amended by adding at the end thereof "unless the wife or husband does not reside in or within five miles of the municipality", so that the paragraph shall read as follows:

9. The assessor shall also enter on the roll, bracketed with the name of the owner or tenant, the name of the husband or wife, as the case may be, of such owner or tenant who is entitled to be a municipal elector under *The Municipal Act* unless the wife or husband does not reside in or within five miles of the municipality.

(2) Column 24 of subsection 2 of the said section 20 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 20,
subs. 2,
col. 24,
re-enacted

Column 24. Vacation resort assessment (include value of both land and buildings used as hotels for summer use, ski and hunting lodges, etc., but not summer cottages).

R.S.O. 1960,
c. 23, s. 27,
subs. 1,
amended

3. Subsection 1 of section 27 of *The Assessment Act* is amended by inserting after "ratepayer" in the fifth line "or school board", so that the subsection shall read as follows:

School
support

- (1) The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer or school board may give notice in writing to the assessment commissioner or, if none, to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court of revision, whichever is the later.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

4.—(1) Subsection 3 of section 35 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "whose principal occupation is farming" in the third line, so that the subsection shall read as follows:

Farm lands
and
buildings

- (3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1960,
c. 23, s. 35,
subs. 3a
(1960-61,
c. 4, s. 4,
subs. 2),
amended

(2) Subsection 3a of the said section 35, as enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the end thereof "unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner", so that the subsection shall read as follows:

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner.

Where
owner dies
or retires

5. Section 43 of *The Assessment Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 23, s. 43,
amended

- (14) The provisions of this Act with respect to the collection of taxes apply *mutatis mutandis* to the payments required to be made by a commission under this section.

Collection
of payments

6. Section 72 of *The Assessment Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 23, s. 72,
amended

- (23) For the purposes of this section, a school board shall be deemed to be a person assessed.

School board
deemed
person
assessed

7. Subsection 1 of section 75 of *The Assessment Act* is amended by inserting after "corporation" in the second line "or a school board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 23, s. 75,
subs. 1,
amended

- (1) An appeal to the county judge lies, at the instance of the municipal corporation or a school board, or at the instance of the assessor or assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality, not only against a decision of the court of revision on an appeal to that court, but also against any omission, neglect or refusal of that court to hear or decide an appeal.

Appeal lies
from
decision
or refusal
to decide

8. Subsection 1 of section 83 of *The Assessment Act* is amended by inserting after "corporation" in the first line "a school board", so that the subsection shall read as follows:

R.S.O. 1960,
c. 23, s. 83,
subs. 1,
amended

- (1) The municipal corporation, a school board, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board.

Appeals to
Municipal
Board

9. *The Assessment Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 23,
amended

County
assessor
appointed
local
assessor

93b.—(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor thereafter has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

Local municipalities
not to
employ
assessors

(2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the 31st day of December in that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

Application
of sec. 130
in local
municipalities

(3) Where a by-law is passed in any year by the council of a county appointing a county assessor as assessor for one or more local municipalities, section 130 does not apply after the 31st day of December of that year in such a local municipality.

Staff

(4) The county assessor may employ such assistants and other staff for the performance of his additional duties by reason of his appointment as assessor for a local municipality under this section as may be authorized by the council of the county.

Costs

(5) Any additional cost incurred by the county by reason of the county assessor having been appointed assessor for a local municipality under this section shall be borne by such local municipality and, if he has been appointed assessor for more than one local municipality, shall be apportioned among such local municipalities in the ratio that the assessment of each of such local municipalities bears to the total assessment of all such local municipalities.

Application
of secs.
65a, 65b

(6) Where a by-law appointing a county assessor as assessor for one or more local municipalities is passed under this section, sections 65a and 65b apply *mutatis mutandis* to the local municipalities for which the county assessor is appointed assessor.

- (7) No by-law passed under this section appointing the county assessor as assessor for one or more local municipalities shall be repealed without the approval of the Minister. Repeal of by-law

93c. The Minister may make regulations providing for the payment of grants to counties that have passed a by-law appointing a county assessment commissioner under section 93a or appointing a county assessor as assessor for a local municipality under section 93b, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature. Grants

10. Subsections 2 and 3 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, are repealed. R.S.O. 1960, c. 23, s. 94, subss. 2, 3 (1960-61, c. 4, s. 15), repealed

11. Section 98 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 98, re-enacted

98.—(1) The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, subject to subsections 2 and 3, in order that the same may be assessed equally on the whole rateable property of the county, make the aggregate valuations of the municipalities as determined in the preceding year under section 94 the basis upon which the apportionment is made. Apportionment of county rates, how to be based

(2) Where, in the year preceding the year in which an apportionment is made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by, Assessment equivalent of mining revenue payments to be added to aggregate valuations

(a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1000; and

(b) dividing the product obtained under clause a by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses a, b and c of subsection 2 of section 294 of *The Municipal Act*; and

R.S.O. 1960, c. 249

(c) increasing or decreasing the quotient obtained under clause b by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

Valuations
on which
payments in
lieu of taxes
paid to be
added to
aggregate
valuations

- (3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the aggregate valuations of such municipality made in that year were increased or decreased under subsection 1 of section 94, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1 of section 94.

R.S.O. 1960,
c. 23, s. 134,
subs. 2,
amended

12. Subsection 2 of section 134 of *The Assessment Act* is amended by striking out "June" in the fifth line and inserting in lieu thereof "April", so that the subsection shall read as follows:

Contents
of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer is not bound to receive any such statement after the 7th day of April in each year.

R.S.O. 1960,
c. 23, s. 150,
subs. 1
(1960-61,
c. 4, s. 19),
re-enacted

13. Subsection 1 of section 150 of *The Assessment Act*, as re-enacted by section 19 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Interest
on tax
arrears

- (1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding two-thirds of 1 per cent per month.

R.S.O. 1960
c. 23, s. 205,
subs. 1,
amended

14. Subsection 1 of section 205 of *The Assessment Act* is amended by striking out "and to the Township of Barton in the County of Wentworth" in the eighth line.

15.—(1) This Act, except subsection 1 of section 2 and sections 4, 5 and 13, comes into force on the day it receives ^{Commence-}
Royal Assent. ^{ment}

(2) Section 4 shall be deemed to have come into force on ^{Idem}
the 1st day of January, 1962.

(3) Section 13 comes into force on the 1st day of July, 1962. ^{Idem}

(4) Subsection 1 of section 2 and section 5 come into force ^{Idem}
on the 1st day of January, 1963.

16. This Act may be cited as *The Assessment Amendment* ^{Short title}
Act, 1961-62.

The Assessment Act

1st Reading

March 20th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. CASS

BILL 108

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ophthalmic Dispensers Act, 1960-61

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The new section permits the registration of persons with limited qualifications for the purpose of engaging in restricted activities.

SECTION 2. The new section preserves the right to buy and sell ready-made eye-glasses.

SECTION 3. Complementary to section 1.

BILL 108

1961-62

An Act to amend The Ophthalmic Dispensers Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

7a.—(1) Notwithstanding section 7, the Board may establish a special register for the registration of persons and classes of persons designated by the regulations. Special
register

(2) The persons registered in the special register may practise ophthalmic dispensing in the manner and subject to the conditions, limitations and restrictions prescribed by the regulations. Practice
of special
registrants

2. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

21a. Nothing in this Act prevents the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. Retail
merchants

3. Section 22 of *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following clause: 1960-61,
c. 72, s. 22,
amended

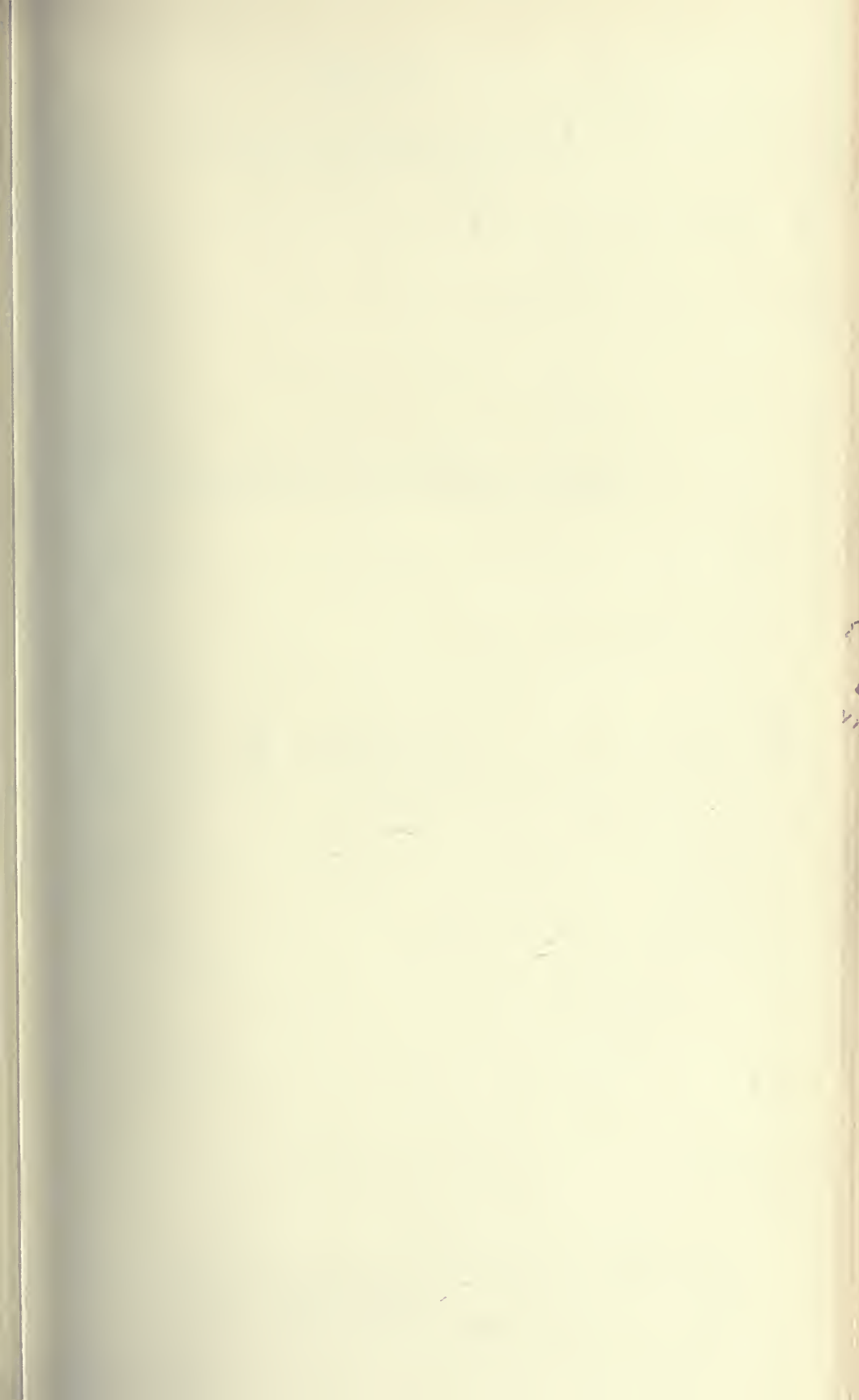
(ca) prescribing the persons or classes of persons who may be registered in the special register and the manner in which, and the conditions, limitations and restrictions subject to which, they may practise ophthalmic dispensing.

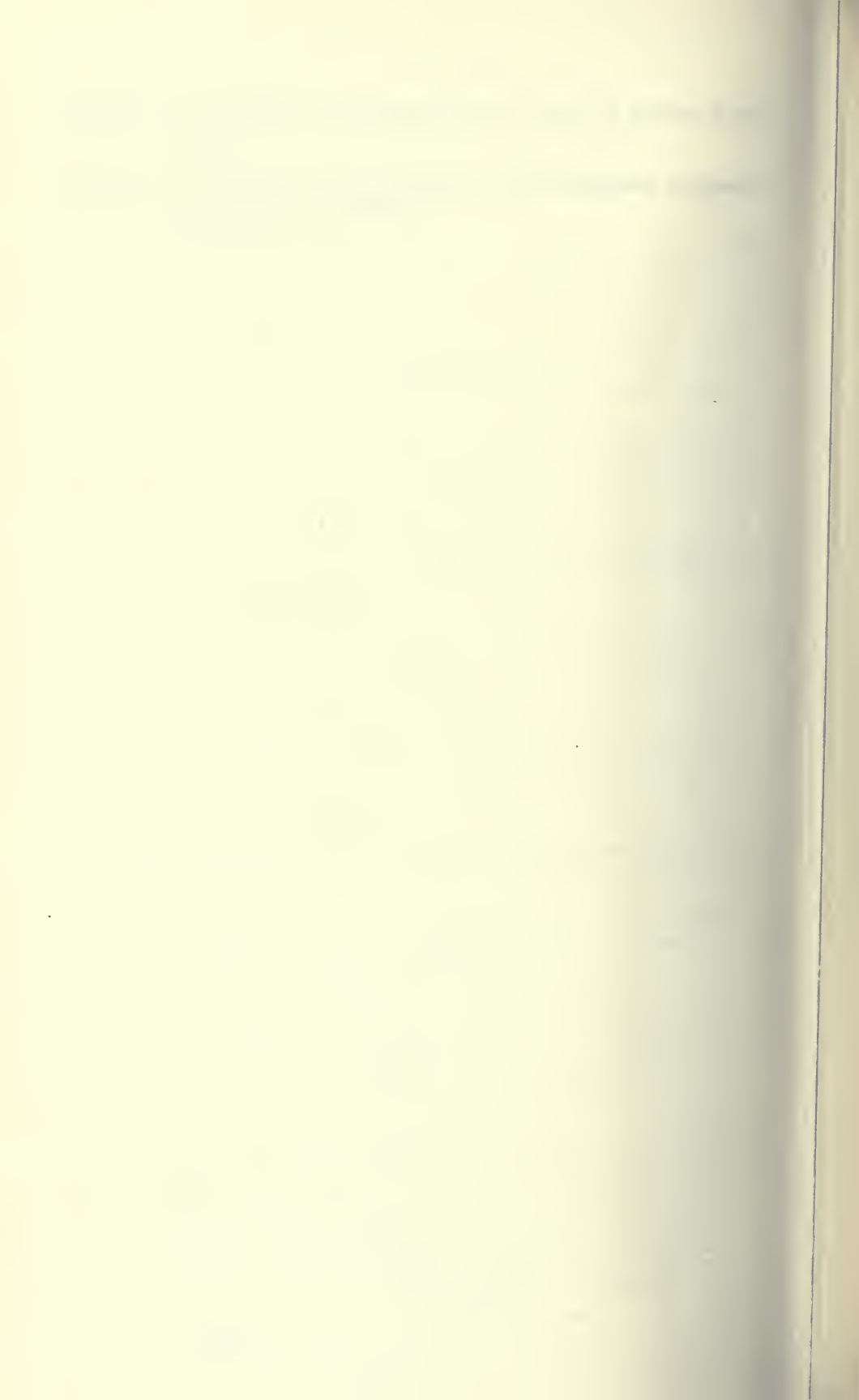
Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1961-62*.





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1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 108

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ophthalmic Dispensers Act, 1960-61

MR. DYMOND

BILL 108

1961-62

An Act to amend The Ophthalmic Dispensers Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

7a.—(1) Notwithstanding section 7, the Board may establish a special register for the registration of persons and classes of persons designated by the regulations. Special
register

(2) The persons registered in the special register may practise ophthalmic dispensing in the manner and subject to the conditions, limitations and restrictions prescribed by the regulations. Practice
of special
registrants

2. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

21a. Nothing in this Act prevents the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. Retail
merchants

3. Section 22 of *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following clause: 1960-61,
c. 72, s. 22,
amended

(ca) prescribing the persons or classes of persons who may be registered in the special register and the manner in which, and the conditions, limitations and restrictions subject to which, they may practise ophthalmic dispensing.

Commence-
ment

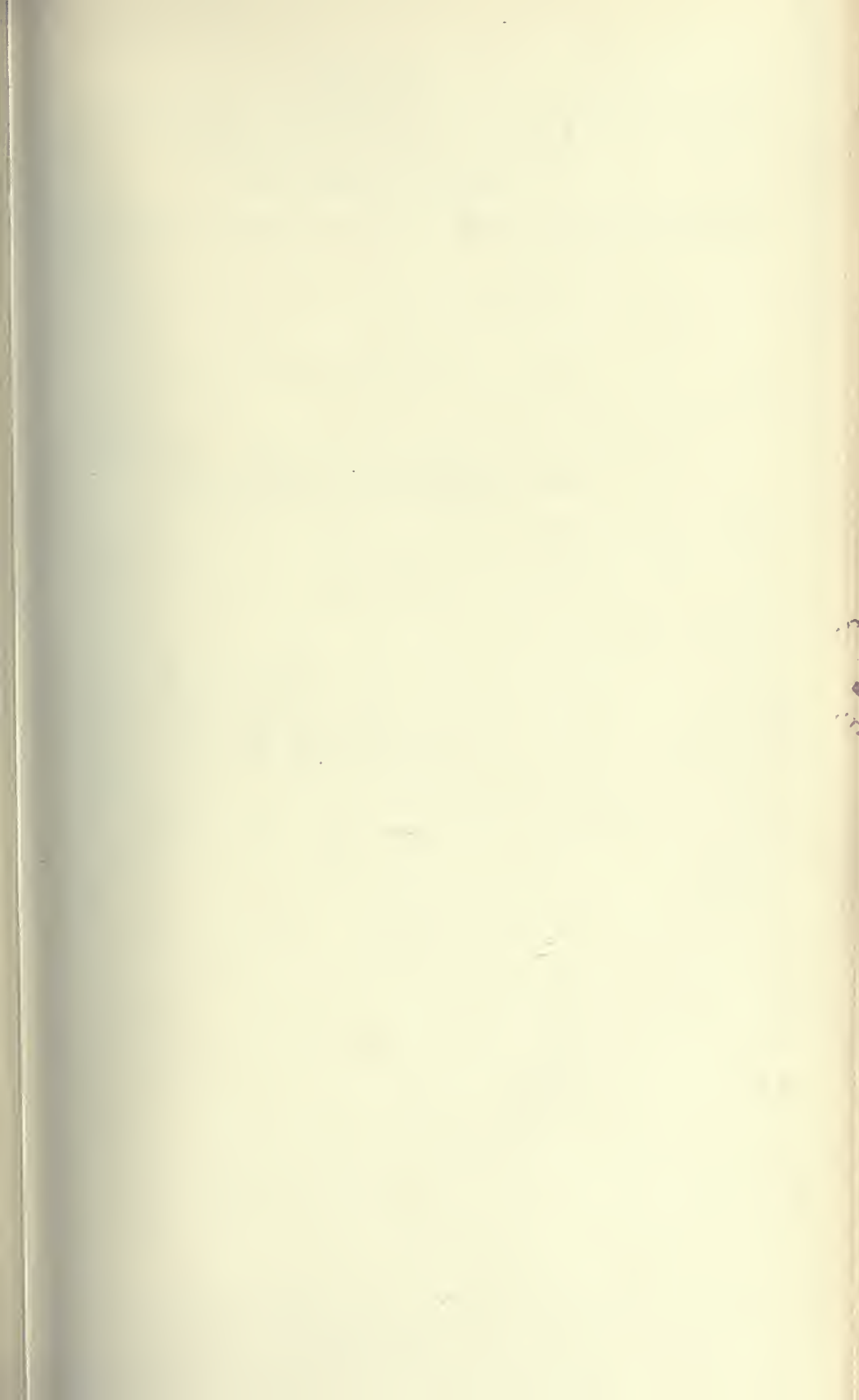
4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1961-62*.

EX-1001

541 5-10



London: The British Museum, 1881.

Vol. 1. The First and Second Series of the *Parasitica* Series.

1881.

Received of the Treasurer of the
 the sum of \$100.00

for the sum of \$100.00
 The Treasurer of the

1881-1882

for the sum of \$100.00

for the sum of \$100.00

for the sum of \$100.00

for the sum of \$100.00

for the sum of \$100.00

for the sum of \$100.00

for the sum of \$100.00

The Ophthalmic Dispensers Act, 1960-61

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 109

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

**An Act to amend
The Drugless Practitioners Act**

MR. DYMOND

THE JUNE 1911

EXPLANATORY NOTE

The amendment extends the regulating power to include the prohibition or control of advertising by drugless practitioners.

BILL 109

1961-62

**An Act to amend
The Drugless Practitioners Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 6 of *The Drugless Practitioners Act* is ^{R.S.O. 1960,} amended by adding at the end thereof "including the pro- ^{c. 114, s. 6,} hibition or control of advertising by or on behalf of such ^{amended} persons", so that the clause shall read as follows:

(*d*) prescribing the discipline and control of registered drugless practitioners, including the prohibition or control of advertising by or on behalf of such persons.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Drugless Practitioners* ^{Short title} *Amendment Act, 1961-62.*

The Drugless Practitioners Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 109

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Drugless Practitioners Act

MR. DYMOND

THE UNIVERSITY OF CHICAGO
 LIBRARY

THE UNIVERSITY OF CHICAGO
 LIBRARY

THE UNIVERSITY OF CHICAGO
 LIBRARY

BILL 109

1961-62

An Act to amend The Drugless Practitioners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 6 of *The Drugless Practitioners Act* is amended by adding at the end thereof "including the prohibition or control of advertising by or on behalf of such persons", so that the clause shall read as follows: R.S.O. 1960,
c. 114, s. 6,
cl. *d*,
amended

(*d*) prescribing the discipline and control of registered drugless practitioners, including the prohibition or control of advertising by or on behalf of such persons.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Drugless Practitioners Amendment Act, 1961-62*. Short title

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 110

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Hospital Services Commission Act

MR. DYMOND

EXPLANATORY NOTE

The amendment adds hospitals established and maintained under *The Children's Mental Hospitals Act* and *The Community Psychiatric Hospitals Act* to the other types of hospitals mentioned in the Bill for the purposes of insured services under *The Ontario Hospital Services Commission Act*.

BILL 110

1961-62

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Hospital Services Commission Act* is amended by inserting after "section" in the third line "a hospital established or designated under *The Children's Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act, 1960-61*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 176, s. 23,
subs. 1,
amended

- (1) In this section, "hospital" means a sanitarium licensed under *The Private Sanitaria Act* that is approved by the Commission for the purposes of this section, a hospital established or designated under *The Children's Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act, 1960-61*, a psychiatric hospital established under *The Psychiatric Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, or a sanatorium established under *The Sanatoria for Consumptives Act*.

Interpre-
tation

R.S.O. 1960,
cc. 307, 56;
1960-61,
c. 9;
R.S.O. 1960,
cc. 315, 236,
359

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1961-62 (No. 2)*.

Short title

The Hospital Services Commission Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 110

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Hospital Services Commission Act

MR. DYMOND

THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

DEPT. 114

BILL 110

1961-62

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Hospital Services Commission Act* is amended by inserting after "section" in the third line "a hospital established or designated under *The Children's Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act*, 1960-61", so that the subsection shall read as follows:

R.S.O. 1960,
c. 176, s. 23,
subs. 1,
amended

- (1) In this section, "hospital" means a sanitarium licensed under *The Private Sanitaria Act* that is approved by the Commission for the purposes of this section, a hospital established or designated under *The Children's Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act*, 1960-61, a psychiatric hospital established under *The Psychiatric Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, or a sanatorium established under *The Sanatoria for Consumptives Act*.

Interpre-
tation

R.S.O. 1960,
cc. 307, 56;
1960-61,
c. 9;
R.S.O. 1960,
cc. 315, 236,
359

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1961-62 (No. 2)*.

Short title

The Hospital Services Commission Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 111

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Pharmacy Act

MR. DYMOND

AMENDMENT TO THE
ACT OF 1938

THE VETERANS BENEFITS ACT OF 1938

EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of "drug" for the purposes of the Act is made more specific.

Subsection 2. This amendment extends the definition of "drug" to include vitamins in excess of the amount prescribed in the amendment so that the retail sale will be limited to drug stores.

BILL 111

1961-62

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause d of section 1 of *The Pharmacy Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 295, s. 1,
cl. d,
subcl. i,
re-enacted

- (i) any substance that is classified as a drug in any of the following publications:

Name	Abbreviation	Edition
Pharmacopoea Internationalis	(Ph. I)	I and Supp. 1959
The Canadian Formulary	(C.F.)	1949
The British Pharmacopoeia	(B.P.)	1959 and Add. 1960
The British Pharmaceutical Codex	(B.P.C.)	1959
The Pharmacopoeia of the United States of America	(U.S.P.)	XVI
The National Formulary	(N.F.)	XI
New and Non-official Remedies	(N.N.R.)	1961
Codex Francais	(Codex)	VII

(2) Clause d of the said section 1 is amended by adding "or" at the end of subclause iv and by adding thereto the following subclause:

R.S.O. 1960,
c. 295, s. 1,
cl. d,
amended

- (v) any preparation containing or represented as containing a vitamin that furnishes in the largest recommended daily intake, more than,

- a. 10,000 International Units of vitamin A or provitamin A,
- b. 4.5 milligrams of thiamine,
- c. 7.5 milligrams of riboflavin,
- d. 45 milligrams of niacin or niacinamide,
- e. 1 milligram of folic acid,
- f. 14 micrograms of vitamin B₁₂,
- g. 150 milligrams of ascorbic acid,
- h. 1,000 International Units of vitamin D,
- i. 25 International Units of vitamin E, or
- j. any amount of vitamin K.

R.S.O. 1960,
c. 295, s. 6,
subs. 2,
amended

2. Subsection 2 of section 6 of *The Pharmacy Act* is amended by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Number of
by-laws
restricted

- (2) Not more than one by-law to vary the number of electoral divisions or to vary the boundaries thereof shall be passed in any period of five years.

R.S.O. 1960,
c. 295, s. 18,
amended

3. Section 18 of *The Pharmacy Act* is amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause:

- (*d*) who makes application for registration within such period as the regulations prescribe.

R.S.O. 1960,
c. 295, s. 24,
cl. *d*,
amended

4. Clause *d* of section 24 of *The Pharmacy Act* is amended by adding at the end thereof "and providing for the registration of students and prescribing the fees therefor", so that the clause shall read as follows:

- (*d*) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act, and providing for the registration of students and prescribing the fees therefor.

R.S.O. 1960,
c. 295, s. 30,
subs. 2,
repealed

5. Subsection 2 of section 30 of *The Pharmacy Act* is repealed.

R.S.O. 1960,
c. 295, s. 31,
subs. 2,
repealed

6. Subsection 2 of section 31 of *The Pharmacy Act* is repealed.

R.S.O. 1960,
c. 295,
amended

7. *The Pharmacy Act* is amended by adding thereto the following section:

Reinstatement,
etc.

- 31a. A person whose application for reinstatement has been approved by the Council under subsection 6 of

SECTION 2. At present, the Council of the College of Pharmacy may only re-define the boundaries of electoral divisions for the election of its governing board once in every 10 years. The amendment is designed to enable the Council to define the boundaries of electoral divisions once every 5 years.

SECTION 3. The amendment will authorize regulations prescribing the time within which application for registration as a pharmacist must be made.

SECTION 4. The amendment will authorize regulations providing for the registration of students.

SECTIONS 5, 6 and 7. These sections relate to the reinstatement of pharmacists whose names have been stricken from the register.

As a result of these amendments, the Council will reinstate the applicant within 5 years on payment of the amounts prescribed.

Furthermore, an applicant for reinstatement after 5 years will be required to take an examination as to his qualifications.

SECTION 8. These amendments will permit drug store corporations to carry on for a reasonable period pending adjustment where a druggist shareholder or a druggist director of a drug store corporation has died.

section 29 and a person whose registration has been cancelled under section 30 or erased under section 31, and who is otherwise eligible for registration, may on application have his name re-entered on the register,

(a) where such person's registration has been cancelled or erased for a period longer than five years by,

(i) payment of arrears of fees for the previous five years,

(ii) passing such examinations as the regulations prescribe, and

(iii) payment of the examination fee prescribed by regulation;

(b) where such person's registration has been cancelled or erased for a period of less than five years by,

(i) payment of all arrears of fees, and

(ii) payment of a reinstatement fee of \$50.

8. Section 40 of *The Pharmacy Act* is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 295, s. 40,
amended

- (4) Upon the death of a pharmaceutical chemist who was a shareholder of a corporation operating a pharmacy at the time of his death, the shares owned by and registered in the name of such deceased person at the time of his death may be registered in the name of and owned by the personal representative of such deceased person for a period of four years or for such further period as the Council may authorize, and for such period subsection 2 of section 34 does not apply to such corporation in respect of such shares. Death of pharmaceutical chemist, shares in corporate pharmacy
- (5) Subsection 4 does not apply to a shareholder of any corporation referred to in subsection 3 of section 34. Idem
- (6) Upon the death of a pharmaceutical chemist who was a director of a corporation operating a pharmacy at the time of his death, subsection 1 of section 34 does not apply to such corporation by reason of such death for a period of six months or for such further period as the Council may authorize. Idem

9. This Act may be cited as *The Pharmacy Amendment Act, 1961-62*. Short title

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

Mr. Dymond

BILL 111

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Pharmacy Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE UNIVERSITY OF CHICAGO
 1901 JANUARY 11 1901

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

BILL 111

1961-62

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *d* of section 1 of *The Pharmacy Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 295, s. 1,
cl. *d*,
subcl. i,
re-enacted

- (i) any substance that is classified as a drug in any of the following publications:

Name	Abbreviation	Edition
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The Canadian Formulary	(C.F.)	1949
The British Pharmacopoeia	(B.P.)	1958 and Add. 1960
The British Pharmaceutical Codex	(B.P.C.)	1959
The Pharmacopoeia of the United States of America	(U.S.P.)	XVI
The National Formulary	(N.F.)	XI
New and Nonofficial Drugs	(N.N.D.)	1962
Codex Francais	(Codex)	VII

(2) Clause *d* of the said section 1 is amended by adding "or" at the end of subclause iv and by adding thereto the following subclause:

R.S.O. 1960,
c. 295, s. 1,
cl. *d*,
amended

- (v) any preparation containing or represented as containing a vitamin that furnishes in the largest recommended daily intake, more than,

- a. 10,000 International Units of vitamin A or provitamin A,
- b. 4.5 milligrams of thiamine,
- c. 7.5 milligrams of riboflavin,
- d. 45 milligrams of niacin or niacinamide,
- e. 1 milligram of folic acid,
- f. 14 micrograms of vitamin B₁₂,
- g. 150 milligrams of ascorbic acid,
- h. 1,000 International Units of vitamin D,
- i. 25 International Units of vitamin E, or
- j. any amount of vitamin K.

R.S.O. 1960
c. 295, s. 6,
subs. 2,
amended

2. Subsection 2 of section 6 of *The Pharmacy Act* is amended by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Number of
by-laws
restricted

- (2) Not more than one by-law to vary the number of electoral divisions or to vary the boundaries thereof shall be passed in any period of five years.

R.S.O. 1960,
c. 295, s. 18,
amended

3. Section 18 of *The Pharmacy Act* is amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause:

- (d) who makes application for registration within such period as the regulations prescribe.

R.S.O. 1960,
c. 295, s. 24,
cl. d,
amended

4. Clause *d* of section 24 of *The Pharmacy Act* is amended by adding at the end thereof "and providing for the registration of students and prescribing the fees therefor", so that the clause shall read as follows:

- (d) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act, and providing for the registration of students and prescribing the fees therefor.

R.S.O. 1960,
c. 295, s. 30,
subs. 2,
repealed

5. Subsection 2 of section 30 of *The Pharmacy Act* is repealed.

R.S.O. 1960,
c. 295, s. 31,
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6. Subsection 2 of section 31 of *The Pharmacy Act* is repealed.

R.S.O. 1960,
c. 295,
amended

7. *The Pharmacy Act* is amended by adding thereto the following section:

Reinstatement,
etc.

- 31a. A person whose application for reinstatement has been approved by the Council under subsection 6 of



section 29 and a person whose registration has been cancelled under section 30 or erased under section 31, and who is otherwise eligible for registration, may on application have his name re-entered on the register,

- (a) where such person's registration has been cancelled or erased for a period longer than five years by,
 - (i) payment of arrears of fees for the previous five years,
 - (ii) passing such examinations as the regulations prescribe, and
 - (iii) payment of the examination fee prescribed by regulation;
- (b) where such person's registration has been cancelled or erased for a period of less than five years by,
 - (i) payment of all arrears of fees, and
 - (ii) payment of a reinstatement fee of \$50.

8. Section 40 of *The Pharmacy Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 295, s. 40,
amended

- (4) Upon the death of a pharmaceutical chemist who was a shareholder of a corporation operating a pharmacy at the time of his death, the shares owned by and registered in the name of such deceased person at the time of his death may be registered in the name of and owned by the personal representative of such deceased person for a period of four years or for such further period as the Council may authorize, and for such period subsection 2 of section 34 does not apply to such corporation in respect of such shares. Death of
pharmaceu-
tical
chemist,
shares in
corporate
pharmacy
- (5) Subsection 4 does not apply to a shareholder of any corporation referred to in subsection 3 of section 34. Idem
- (6) Upon the death of a pharmaceutical chemist who was a director of a corporation operating a pharmacy at the time of his death, subsection 1 of section 34 does not apply to such corporation by reason of such death for a period of six months or for such further period as the Council may authorize. Idem

9. This Act may be cited as *The Pharmacy Amendment Act*, 1961-62. Short title

Received of the Treasurer of the
City of New York

the sum of

One hundred and
fifty dollars

for

the purchase of
the land for
the City of New York

Witness my hand

at New York this 1st day of January 1872

1st Reading

March 22nd, 1962

2nd Reading

March 30th, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 112

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Optometry Act, 1961-62

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

Optometrists are now governed by a Board of Examiners in Optometry appointed by the Lieutenant Governor in Council under *The Optometry Act*.

The purpose of this Bill is to constitute the College of Optometrists of Ontario. Its Board of Directors will be elected by the members of the College and will govern the profession.

BILL 112

1961-62

The Optometry Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the College;
- (b) "College" means the College of Optometrists of Ontario;
- (c) "member" means a member of the College;
- (d) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses, or appurtenances thereto, for the relief or correction of any visual or muscular error or defect of the eye;
- (e) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of optometrists or duly qualified medical practitioners, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of optometrists or duly qualified medical practitioners;
- (f) "optometrist" means a person who is entitled to practise optometry under this Act;
- (g) "prescribe" means the writing or determination of a formula or prescription for the relief or correction of any visual or muscular error or defect of the eye;

(h) "profession of optometry" means the services usually performed by an optometrist, including the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing and ophthalmic dispensing of ophthalmic appliances, and prescribing ocular calisthenics for the relief or correction of any visual or muscular error or defect of the eye. R.S.O. 1960, c. 283, s. 1; 1960-61, c. 73, s. 1, *amended*.

College
constituted

2. The College is hereby constituted a corporation and, on the coming into force of this Act, the persons who then constitute the Board of Examiners in Optometry shall be members of the College and shall constitute the Board, and the persons who then are registered under *The Optometry Act* and the persons who are registered under this Act shall be members of the College. *New*.

R.S.O. 1960,
c. 283

Property

3.—(1) All property, real and personal, heretofore vested in the Board of Examiners in Optometry is vested in the College.

Idem

(2) The College may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require. *New*.

Board,
composition

4.—(1) The affairs and business of the College shall be administered, managed and regulated by the Board, which shall consist of five members, of whom three form a quorum.

election

(2) The manner of electing the Board, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws. *New*.

Annual
meetings

5.—(1) The first annual meeting of the College shall be held within three months of the coming into force of this Act, and thereafter not later than the 31st day of March in each year.

General
meetings

(2) Other general meetings of the College may be called from time to time.

Idem

(3) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws. *New*.

Officers

6. The Board shall elect from its members a president, a vice-president and a treasurer, and may appoint a registrar and a secretary and such other officers as may be required, and the duties thereof shall be as set forth in the by-laws. *New*.

7.—(1) The Board may pass by-laws, not inconsistent with ^{By-laws} this Act, respecting,

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding and conducting of the annual and other meetings of the College;
- (d) the holding and conducting of meetings of the Board;
- (e) the election or appointment, duties and removal of officers and servants, and their remuneration; and
- (f) all other things necessary or advisable for the management of the affairs of the College.

(2) No by-law becomes effective until it has been passed ^{Idem} by the College at an annual or other general meeting called for that purpose.

(3) A copy of each by-law shall be mailed to each member ^{Idem} within fifteen days of the by-law becoming effective. *New.*

8.—(1) Every person who files with the registrar of the College an application in the prescribed form, stating therein ^{Admission of new members} that the applicant is more than twenty-one years of age, is of good moral character, has graduated from a school or college of optometry recognized by the Board and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications to practise optometry and, upon passing such examination, shall be registered by the Board as an optometrist and shall receive from the Board a certificate of such registration. R.S.O. 1960, c. 283, s. 5, *amended.*

(2) Each certificate is renewable annually as provided for ^{Annual certificate} in the regulations. *New.*

9.—(1) No person shall practise the profession of optometry ^{Right to practise restricted} unless he is registered under this Act.

(2) No person, unless he is registered under this Act, shall ^{Titles, etc., restricted} append to his name the term "optometrist" or use any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is registered under this Act. 1960-61, c. 73, s. 7 (1), *amended.*

Offences

10.—(1) Any person who contravenes or omits, neglects or fails to observe or comply with any provision of this Act or the regulations, or who prescribes by mail, is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$25 and not more than \$100, and, for a second or subsequent offence, to a fine of not less than \$50 and not more than \$500. R.S.O. 1960, c. 283, s. 8 (3); 1960-61, c. 73, s. 7 (2), *amended*.

Disposition of fines

(2) All fines recovered for offences under this Act shall be paid to the College. 1960-61, c. 73, s. 7 (3), *amended*.

Suspension, etc., of registration

11.—(1) The Board may by order suspend or revoke the registration of any optometrist whom it finds guilty of unprofessional conduct as defined by the regulations or of incompetency or misrepresentation in connection with the practice of the profession of optometry.

Notice

(2) Before suspending or revoking a registration, the Board shall, by notice in writing, advise such person of the alleged violation and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may at any time review any finding or order made by it and make such further finding or order as it deems proper.

Power to summon witnesses, etc.
R.S.O. 1960, c. 323

(4) At a public hearing under this section, the president or vice-president of the Board has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal

(5) An appeal lies from any order or finding of the Board under this section to a judge of the Supreme Court by way of originating notice, and such appeal shall be upon the evidence and representations presented and made to the Board, and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper, and his decision is final. R.S.O. 1960, c. 283, s. 7; 1960-61, c. 73, s. 6, *amended*.

Educational arrangements, college of optometry

12.—(1) The Board may enter into agreements and arrangements with any university in Ontario for the establishment of a college of optometry, and may make agreements and arrangements with any educational institution for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists, and may establish and carry on its own college of instruction and

appoint such professors, lecturers, instructors, officers, servants and employees thereof as are deemed necessary and fix their remuneration.

(2) The Board may use any of its moneys for any of the ^{Idem} purposes and objects mentioned in subsection 1, and for such purposes and objects the Board has all the powers that may be necessary or convenient, including the power without licence in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate, and to borrow money and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board. R.S.O. 1960, c. 283, s. 9 (1, 2), *amended*.

(3) The Board shall from time to time appoint a dean of ^{Dean} the College of Optometry and fix his remuneration.

(4) The dean of the College of Optometry shall, under the ^{Idem} direction and control of the Board, have charge of all affairs of internal management of the College of Optometry, including supervision of the staff and the students attending the College of Optometry, and the examinations conducted there from time to time.

(5) The Board may from time to time fix the fees to be ^{Fees} paid by students attending the College of Optometry, including examination and degree fees. *New*.

13. Nothing in this Act applies to ophthalmic dispensing ^{Exemptions from operation of Act} by an ophthalmic dispenser, or to a duly qualified medical practitioner, or to any person who carries on business in Ontario as a *bona fide* wholesale manufacturer and supplier of ophthalmic appliances to duly qualified medical practitioners, optometrists and ophthalmic dispensers, and who does not prescribe. R.S.O. 1960, c. 283, s. 10 (1); 1960-61, c. 73, s. 9, *amended*.

14. Nothing in this Act authorizes the Board to regulate, ^{No control of prices} control or interfere with the prices that may be charged for eye-glasses or spectacles, the fees that may be charged for the examination of eyes, or the prescribing of eye-glasses or spectacles, or the terms upon which such charges or fees may be paid. R.S.O. 1960, c. 283, s. 10 (2).

15. Nothing in this Act prevents,

^{Retail merchants}

- (a) a retail merchant from operating, as part of his business, an optical department at his place of business where the profession of optometry is practised,

- (i) if the practice and the department are in charge of a registered optometrist or a duly qualified medical practitioner, and
- (ii) if the retail merchant files with the Board annually the name and address of the owner or manager of the business, either of whom shall be a resident of Ontario, and the name of the optometrist or duly qualified medical practitioner in charge of the optical department;
- (b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or
- (c) the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. R.S.O. 1960, c. 283, s. 10 (3), *amended*.

Regulations

16. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to the College of Optometry and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as optometrists;
- (c) respecting the registration of candidates for registration as optometrists and the suspension and cancellation of the registration of optometrists and the issue and renewal of certificates of registration;
- (d) providing for the government and discipline of the members;
- (e) defining unprofessional conduct for the purposes of this Act;
- (f) prescribing fees under this Act;

- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
R.S.O. 1960, c. 283, s. 3 (1); 1960-61, c. 73, s. 2, amended.

17. *The Optometry Act* and *The Optometry Amendment Act*, R.S.O. 1960, c. 283; 1960-61, c. 73, repealed
1960-61 are repealed.

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

19. This Act may be cited as *The Optometry Act, 1961-62*. Short title

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1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 112

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Optometry Act, 1961-62

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE UNIVERSITY OF CHICAGO
 1011 EAST 58TH STREET

The University of Chicago

1011 East 58th Street

BILL 112

1961-62

The Optometry Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the College;
- (b) "College" means the College of Optometrists of Ontario;
- (c) "member" means a member of the College;
- (d) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses, or appurtenances thereto, for the relief or correction of any visual or muscular error or defect of the eye;
- (e) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of optometrists or duly qualified medical practitioners, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of optometrists or duly qualified medical practitioners;
- (f) "optometrist" means a person who is entitled to practise optometry under this Act;
- (g) "prescribe" means the writing or determination of a formula or prescription for the relief or correction of any visual or muscular error or defect of the eye;

(h) "profession of optometry" means the services usually performed by an optometrist, including the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing and ophthalmic dispensing of ophthalmic appliances, and prescribing ocular calisthenics for the relief or correction of any visual or muscular error or defect of the eye. R.S.O. 1960, c. 283, s. 1; 1960-61, c. 73, s. 1, *amended*.

College constituted

2. The College is hereby constituted a corporation and, on the coming into force of this Act, the persons who then constitute the Board of Examiners in Optometry shall be members of the College and shall constitute the Board, and the persons who then are registered under *The Optometry Act* and the persons who are registered under this Act shall be members of the College. *New*.

R.S.O. 1960, c. 283

Property

3.—(1) All property, real and personal, heretofore vested in the Board of Examiners in Optometry is vested in the College.

Idem

(2) The College may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require. *New*.

Board, composition

4.—(1) The affairs and business of the College shall be administered, managed and regulated by the Board, which shall consist of five members, of whom three form a quorum.

election

(2) The manner of electing the Board, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws. *New*.

Annual meetings

5.—(1) The first annual meeting of the College shall be held within three months of the coming into force of this Act, and thereafter not later than the 31st day of March in each year.

General meetings

(2) Other general meetings of the College may be called from time to time.

Idem

(3) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws. *New*.

Officers

6. The Board shall elect from its members a president, a vice-president and a treasurer, and may appoint a registrar and a secretary and such other officers as may be required, and the duties thereof shall be as set forth in the by-laws. *New*.

7.—(1) The Board may pass by-laws, not inconsistent with ^{By-laws} this Act, respecting,

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding and conducting of the annual and other meetings of the College;
- (d) the holding and conducting of meetings of the Board;
- (e) the election or appointment, duties and removal of officers and servants, and their remuneration; and
- (f) all other things necessary or advisable for the management of the affairs of the College.

(2) No by-law becomes effective until it has been passed ^{Idem} by the College at an annual or other general meeting called for that purpose.

(3) A copy of each by-law shall be mailed to each member ^{Idem} within fifteen days of the by-law becoming effective. *New.*

8.—(1) Every person who files with the registrar of the ^{Admission of new members} College an application in the prescribed form, stating therein that the applicant is more than twenty-one years of age, is of good moral character, has graduated from a school or college of optometry recognized by the Board and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications to practise optometry and, upon passing such examination, shall be registered by the Board as an optometrist and shall receive from the Board a certificate of such registration. R.S.O. 1960, c. 283, s. 5, *amended.*

(2) Each certificate is renewable annually as provided for ^{Annual certificate} in the regulations. *New.*

9.—(1) No person shall practise the profession of optometry ^{Right to practise restricted} unless he is registered under this Act.

(2) No person, unless he is registered under this Act, shall ^{Titles, etc., restricted} append to his name the term "optometrist" or use any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is registered under this Act. 1960-61, c. 73, s. 7 (1), *amended.*

Offences

10.—(1) Any person who contravenes or omits, neglects or fails to observe or comply with any provision of this Act or the regulations, or who prescribes by mail, is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$25 and not more than \$100, and, for a second or subsequent offence, to a fine of not less than \$50 and not more than \$500. R.S.O. 1960, c. 283, s. 8 (3); 1960-61, c. 73, s. 7 (2), *amended*.

Disposition of fines

(2) All fines recovered for offences under this Act shall be paid to the College. 1960-61, c. 73, s. 7 (3), *amended*.

Suspension, etc., of registration

11.—(1) The Board may by order suspend or revoke the registration of any optometrist whom it finds guilty of unprofessional conduct as defined by the regulations or of incompetency or misrepresentation in connection with the practice of the profession of optometry.

Notice

(2) Before suspending or revoking a registration, the Board shall, by notice in writing, advise such person of the alleged violation and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may at any time review any finding or order made by it and make such further finding or order as it deems proper.

Power to summon witnesses, etc.
R.S.O. 1960, c. 323

(4) At a public hearing under this section, the president or vice-president of the Board has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal

(5) An appeal lies from any order or finding of the Board under this section to a judge of the Supreme Court by way of originating notice, and such appeal shall be upon the evidence and representations presented and made to the Board, and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper, and his decision is final. R.S.O. 1960, c. 283, s. 7; 1960-61, c. 73, s. 6, *amended*.

Educational arrangements, college of optometry

12.—(1) The Board may enter into agreements and arrangements with any university in Ontario for the establishment of a college of optometry, and may make agreements and arrangements with any educational institution for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists, and may establish and carry on its own college of instruction and

appoint such professors, lecturers, instructors, officers, servants and employees thereof as are deemed necessary and fix their remuneration.

(2) The Board may use any of its moneys for any of the ^{Idem} purposes and objects mentioned in subsection 1, and for such purposes and objects the Board has all the powers that may be necessary or convenient, including the power without licence in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate, and to borrow money and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board. R.S.O. 1960, c. 283, s. 9 (1, 2), *amended*.

(3) The Board shall from time to time appoint a dean of ^{Dean} the College of Optometry and fix his remuneration.

(4) The dean of the College of Optometry shall, under the ^{Idem} direction and control of the Board, have charge of all affairs of internal management of the College of Optometry, including supervision of the staff and the students attending the College of Optometry, and the examinations conducted there from time to time.

(5) The Board may from time to time fix the fees to be ^{Fees} paid by students attending the College of Optometry, including examination and degree fees. *New*.

13. Nothing in this Act applies to ophthalmic dispensing ^{Exemptions from operation of Act} by an ophthalmic dispenser, or to a duly qualified medical practitioner, or to any person who carries on business in Ontario as a *bona fide* wholesale manufacturer and supplier of ophthalmic appliances to duly qualified medical practitioners, optometrists and ophthalmic dispensers, and who does not prescribe. R.S.O. 1960, c. 283, s. 10 (1); 1960-61, c. 73, s. 9, *amended*.

14. Nothing in this Act authorizes the Board to regulate, ^{No control of prices} control or interfere with the prices that may be charged for eye-glasses or spectacles, the fees that may be charged for the examination of eyes, or the prescribing of eye-glasses or spectacles, or the terms upon which such charges or fees may be paid. R.S.O. 1960, c. 283, s. 10 (2).

15. Nothing in this Act prevents,

^{Retail merchants}

- (a) a retail merchant from operating, as part of his business, an optical department at his place of business where the profession of optometry is practised,

- (i) if the practice and the department are in charge of a registered optometrist or a duly qualified medical practitioner, and
- (ii) if the retail merchant files with the Board annually the name and address of the owner or manager of the business, either of whom shall be a resident of Ontario, and the name of the optometrist or duly qualified medical practitioner in charge of the optical department;
- (b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or
- (c) the sale or offering for sale by a retail merchant at his place of business of spectacles or eye-glasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eye-glasses that may be sold under this section. R.S.O. 1960, c. 283, s. 10 (3), *amended*.

Regulations

16. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to the College of Optometry and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as optometrists;
- (c) respecting the registration of candidates for registration as optometrists and the suspension and cancellation of the registration of optometrists and the issue and renewal of certificates of registration;
- (d) providing for the government and discipline of the members;
- (e) defining unprofessional conduct for the purposes of this Act;
- (f) prescribing fees under this Act;

- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 283, s. 3 (1); 1960-61, c. 73, s. 2, *amended*.

17. *The Optometry Act* and *The Optometry Amendment Act*, R.S.O. 1960, c. 283; 1960-61, c. 73, repealed
1960-61 are repealed.

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

19. This Act may be cited as *The Optometry Act, 1961-62*. Short title

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The Optometry Act, 1961-62

1st Reading

March 22nd, 1962

2nd Reading

March 30th, 1962

3rd Reading

April 17th, 1962

Mr. DYMOND

BILL 113

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Parks Integration Board Act

MR. DALEY

EXPLANATORY NOTE

This Bill will authorize the Lieutenant Governor in Council to increase the membership of the Ontario Parks Integration Board by adding thereto other members of the Executive Council.

BILL 113

1961-62

**An Act to amend
The Ontario Parks Integration Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Parks Integration Board Act* is R.S.O. 1960,
c. 277, s. 1,
amended amended by adding thereto the following subsection:

- (3) In addition to the members of the Executive Council Idem specified in subsection 2, the Lieutenant Governor in Council may specify one or more other members of the Executive Council to be members of the Board.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Ontario Parks Integration Board Amendment Act, 1961-62* Short title (No. 2).

The Ontario Parks Integration Board Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. DALEY

BILL 113

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Ontario Parks Integration Board Act

MR. DALEY

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BILL 113

1961-62

**An Act to amend
The Ontario Parks Integration Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Parks Integration Board Act* is ^{R.S.O. 1960,} amended by adding thereto the following subsection: ^{c. 277, s. 1,} amended

- (3) In addition to the members of the Executive Council ^{Idem} specified in subsection 2, the Lieutenant Governor in Council may specify one or more other members of the Executive Council to be members of the Board.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Ontario Parks Integration* ^{Short title} *Board Amendment Act, 1961-62 (No. 2).*

The Ontario Parks Integration Board Act

1st Reading

March 22nd, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. DALEY

BILL 114

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Corporations Tax Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

GENERAL. The general purpose of the Bill is twofold:

1. To make adjustments in the Act to bring it into closer relationship with the corresponding provisions of the *Income Tax Act* (Canada) as that Act affects corporations, particularly with respect to amendments made to that Act since the 1960-61 session of the Legislature.
2. To correct certain anomalies of a technical character in other provisions of the Act that have appeared during the past year.

SECTION 1—Subsection 1. This amendment corresponds to a similar amendment to the *Income Tax Act* (Canada) to substitute the word "property" for "money, rights or things".

Subsection 2. These amendments concern the rules for defining when persons are considered to be related to each other. Clause *b* provides an exception to the present rule concerning control of a corporation through rights to acquire shares. Clause *c* provides a rule that applies when the same person is a shareholder of two corporations.

SECTION 2—Subsection 1. The amendment is designed to clarify the intent and corresponds to a similar amendment to regulations made under section 40 of the *Income Tax Act* (Canada).

BILL 114

1961-62

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 1,
subs. 1,
par. 14,
re-enacted

14. "exempt income" means property received or acquired by a corporation in such circumstances that it is, by reason of any provision in Part III, not included in computing its income and includes amounts that are deductible under subsection 1 of section 40.

(2) Subsection 6 of the said section 1 is amended by striking out "and" at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following: R.S.O. 1960,
c. 73, s. 1,
subs. 6,
amended

- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to; or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provided that the right is not exercisable until the death of an individual designated therein, be deemed to have had the same position in relation to the control of the corporation as if he owned the shares; and
- (c) where a person owns shares in two or more corporations, he shall as shareholder of one of the corporations be deemed to be related to himself as shareholder of each of the other corporations.

2.—(1) Subsection 5 of section 2 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 2,
subs. 5,
re-enacted

Idem

- (5) An insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered or licensed to do business.

R.S.O. 1960,
c. 73, s. 2,
subs. 10,
re-enacted

- (2) Subsection 10 of the said section 2 is repealed and the following substituted therefor:

Idem

- (10) Where a corporation has no fixed place of business, it has a permanent establishment in the principal place where the corporation carries on business and in the place designated in its charter or by-laws as being its head office.

R.S.O. 1960,
c. 73, s. 4,
subs. 6, cl. i,
re-enacted

- 3.—(1) Clause *i* of subsection 6 of section 4 of *The Corporations Tax Act* is repealed and the following substituted therefor:

- (i) gross revenue that arises from leasing land owned by the corporation in a province shall be attributable to the province where that land is situated.

R.S.O. 1960,
c. 73, s. 4,
amended

- (2) The said section 4 is amended by adding thereto the following subsection:

Corporations
in partner-
ship with
others

- (6a) For the purpose of subsections 5, 13, 28, 29, 30 and 31 of this section and the corresponding subsections of section 5, where part of the operations of a corporation are conducted jointly or in partnership with one or more other persons,

- (a) the gross revenue of the corporation for the fiscal year; and

- (b) the salaries and wages paid in the fiscal year by the corporation,

shall include, in respect of those operations, only that proportion of,

- (c) the total gross revenue of the joint operations or partnership for the fiscal year ending in the calendar year; and

- (d) the total salaries and wages paid jointly by the operators or partners in the fiscal year ending in the calendar year,

Subsection 2. This amendment adds the provision that, where a corporation has no fixed place of business, it has a permanent establishment in the principal place where it carries on business.

SECTION 3—Subsection 1. The amendment declares that gross revenue from leasing land owned by a corporation in a province shall be attributable to that province.

Subsection 2. The new subsection clarifies its rules for the allocation of profits where part of the operations of a corporation are conducted jointly or in partnership with one or more other persons. It corresponds to a similar clause in regulations made under the *Income Tax Act* (Canada).

Subsection 3. This amendment corresponds to an amendment made to subsection 1 of section 62 of the *Income Tax Act* (Canada). It permits a corporation constituted exclusively for charitable purposes to make donations to the Government of Canada, the government of any province and any municipality in Canada.

Subsection 4. The new clause provides that a non-profit corporation constituted exclusively for promoting or carrying on scientific research in Canada shall be exempt from tax on income. A similar exemption has been provided by subsection 1 of section 62 of the *Income Tax Act* (Canada).

Subsection 5. This amendment corresponds to the amendment made to section 62 of the *Income Tax Act* (Canada). It provides that a corporation established in connection with a registered pension plan must receive at least 90 per cent of its income from sources in Canada if it is to be exempt from tax on income. It also provides special rules for a gradual application of the amendment.

respectively, that,

- (e) the share of the corporation of the profit or loss for the fiscal year from the joint operations or partnership,

is of,

- (f) the total profit or loss for the fiscal year from the joint operations or partnership.

(3) Subclause iii of clause e of subsection 37 of the said section 4 is amended by striking out "or" at the end of paragraph B, by adding "or" at the end of paragraph C and by adding thereto the following paragraph:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
cl. e,
subcl. iii,
amended

- (D) a gift to Her Majesty in right of Canada or a province or to a Canadian municipality.

(4) Subsection 37 of the said section 4 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
amended

- (ea) a corporation that was constituted exclusively for the purpose of carrying on or promoting scientific research, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not acquired control of any other corporation and that, during the fiscal year,

non-profit
corporation
for
scientific
research

- (i) did not carry on any business, and

- (ii) expended amounts in Canada each of which is,

- (A) an expenditure on scientific research directly undertaken by or on behalf of the corporation, or

- (B) a payment to an association, university, college or research institution, described in subclause ii or iii of clause a of subsection 1 of section 47, to be used for scientific research,

and the aggregate of which is not less than 90 per cent of the corporation's income for the fiscal year.

(5) Clause o of subsection 37 the said section 4 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
cl. o,
re-enacted

pension
corporations

- (o) a corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90 per cent of the income of which for the fiscal year was from sources in Canada;

idem

- (oa) in the case of a corporation referred to in clause o, less than 90 per cent but not less than 80 per cent of the income of which for its fiscal year commencing in 1960 was from sources in Canada, "90 per cent" in clause o shall, in respect of its application to fiscal years of that corporation commencing in 1961 and 1962, be read as "80 per cent"; and

idem

- (ob) in the case of a corporation referred to in clause o, less than 80 per cent of the income of which for its fiscal year commencing in 1960 was from sources in Canada, "90 per cent" in clause o shall, in respect of its application to the fiscal year of that corporation commencing in 1961, be read as "70 per cent" and, in respect of its application to the fiscal year of that corporation commencing in 1962, be read as "80 per cent".

R.S.O. 1960,
c. 73, s. 4,
subss. 40, 41,
re-enacted

- (6) Subsections 40 and 41 of the said section 4 are repealed and the following substituted therefor:

idem

- (40) For the purpose of clause *ea* of subsection 37,

- (a) a corporation is controlled by another corporation if more than 50 per cent of its issued share capital having full voting rights under all circumstances belongs to,

(i) the other corporation, or

- (ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but a corporation shall be deemed not to have acquired control of a corporation if it has not purchased or otherwise acquired for a consideration any of the shares in the capital stock of that corporation; and

- (b) there shall be included in computing a corporation's income all gifts received by the corporation and all amounts contributed to the corporation to be used for scientific research.

Subsection 6. The new subsections 40, 41 and 44 correspond to amendments to section 62 of the *Income Tax Act* (Canada) and are consequential upon the addition of clause *ea* of subsection 37 of section 4 as enacted by subsection 4 of section 3 of the Bill.

The new subsection 45 corresponds to the amendment made to subsection 1 of section 62 of the *Income Tax Act* (Canada) and provides, in determining whether a corporation managing a pension plan is to be deemed exempt from tax, that contributions under the plan for which the corporation was established shall not be included in computing its income.

Subsection 7. The repeal of subsections 42 and 43 is consequential upon the repeal of section 37 and the amendment to section 38 of the Act by sections 12 and 13 of the Bill.

SECTION 4. The amendment provides that a corporation not having a permanent establishment in Ontario but which carries on business in Ontario through a resident representative shall pay a reduced office tax where its sales made to customers residing in Ontario amount to less than \$50,000 in its fiscal year.

- (41) In computing the income of a corporation for the purpose of determining whether it is described by clause *e* or *ea* of subsection 37 for a fiscal year,

- (a) there may be deducted an amount not exceeding its income for the fiscal year preceding the taxation year without including or deducting any amount under this subsection; and
- (b) there shall be included any amount that has been deducted under this subsection for the immediately preceding fiscal year.

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- (44) For the purpose of determining whether a corporation has complied with the requirements of subclause iii of clause *e* or subclause ii of clause *ea* of subsection 37 for its first fiscal year after its incorporation, the whole or any part of amounts expended by it in the immediately subsequent fiscal year shall, if it so elects, be deemed to have been expended by it in the first fiscal year and not in the subsequent fiscal year.

Election by
new
charitable
corporation

- (45) In computing the income of a corporation for the purpose of determining whether it is a corporation described in clause *o* of subsection 37 for a fiscal year, contributions to or under the fund or plan in connection with which or for the administration of which the corporation was incorporated shall not be included.

Contributions to or
under
registered
pension fund
or plan not
included

- (7) Subsections 42 and 43 of the said section 4 are repealed.

R.S.O. 1960,
c. 73, s. 4,
subss. 42, 43,
repealed

4. Subsection 2 of section 6 of *The Corporations Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 6,
subs. 2,
re-enacted

- (2) Except as in this section otherwise provided, every corporation not having a permanent establishment in Ontario but which merely holds assets in Ontario or which merely maintains in Ontario an office solely for the purchase of merchandise or which, being a corporation incorporated under the legislation of any jurisdiction other than Ontario, is required, in order to hold land in Ontario, to be licensed under *The Mortmain and Charitable Uses Act* and merely possesses such a licence or which, in order to have the right to carry on business in Ontario, is required to be licensed under Part IX

Special
business
tax

R.S.O. 1960,
c. 246

R.S.O. 1960,
c. 71

of *The Corporations Act* and merely holds a licence under that Part, shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of \$50.

Idem

- (2a) Except as in this section otherwise provided, every corporation not having a permanent establishment in Ontario but which carries on business in Ontario within the meaning of section 346 of *The Corporations Act* shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of one-tenth of 1 per cent calculated on the total amount of its gross sales made to or its gross revenue received from customers residing in Ontario provided that the tax imposed under this subsection shall not be less than \$5 or more than \$50.

R.S.O. 1960,
c. 73, s. 17,
amended

5. Section 17 of *The Corporations Tax Act* is amended by striking out "and" at the end of clause *g*, by adding "and" at the end of clause *h* and by adding thereto the following clause:

profit
sharing
plan

- (i) amounts received by a corporation in the fiscal year under a deferred profit sharing plan as provided by section 53a.

R.S.O. 1960,
c. 73, s. 18,
amended

6. Section 18 of *The Corporations Tax Act* is amended by adding thereto the following subsections:

Obligation
issued at a
discount

- (2) Where, in the case of a bond, debenture, bill, note, mortgage, hypothec or similar obligation issued after December 20, 1960, by a person exempt from tax under section 62 of the *Income Tax Act* (Canada), a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

R.S.C. 1952,
c. 148

- (a) the obligation was issued for an amount that is less than the principal amount thereof;
- (b) the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on,
- (i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or

SECTION 5. The new clause adds a reference to amounts received under a deferred profit sharing plan to the list of items in section 17 that must be included in computing income. A corresponding amendment has been made to section 6 of the *Income Tax Act* (Canada).

SECTION 6. These new subsections provide that, where a bond or other obligation with a contractual rate of interest of less than 5 per cent is issued at a discount, the amount of the discount in certain circumstances shall be included in the income of the corporation that is the first owner of the obligation. It corresponds to the amendment to section 7 of the *Income Tax Act* (Canada).

SECTION 7—Subsection 1. The new clauses of subsection 1 of section 22 correspond to similar amendments made to section 11 of the *Income Tax Act* (Canada). Clause *da* provides that an amount paid by a corporation to a bank for guaranteeing payment of a banker's acceptance may be deducted in computing income, and clause *db* provides that, where the corporation sells the banker's acceptance at a discount, the amount of the discount may be deducted in computing income. Clause *dc* provides that a corporation that was deemed to have received a dividend in a previous fiscal year because it received a loan from a corporation of which it was a shareholder and such dividend was not deductible from income under section 40 shall be allowed a deduction in computing its income equal to the amount of the loan repaid in the fiscal year. Clause *s* adds a reference to an amount deductible by a corporation under a deferred profit sharing plan.

- (ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

is less than 5 per cent; and

- (c) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued, which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest such annual rate obtainable conditional upon the exercise of any such right, exceeds the annual rate determined under clause *b* by more than one-third thereof,

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of a corporation for the fiscal year in which it became the owner of the obligation if it is the first owner thereof and is a corporation that has a permanent establishment in Canada and if it is not a corporation that is exempt from tax under subsection 37 of section 4.

- (3) In subsection 2, "principal amount", in relation to ^{Interpre-} any obligation, means the amount that, under the terms of the obligation or any agreement relating thereto, is the maximum amount or maximum aggregate amount, as the case may be, payable on account of the obligation by the issuer thereof, otherwise than as or on account of interest or as or on account of any premium payable by the issuer conditional upon the exercise by the issuer of a right to redeem the obligation before the maturity thereof.
- (4) Subsection 1 does not apply in any case where sub-Application section 2 applies.

7.—(1) Subsection 1 of section 22 of *The Corporations Tax Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 73, s. 22,
subs. 1,
amended

certification
fee paid
to bank
R.S.C. 1952,
cc. 12, 232

- (da) an amount payable by the corporation in the fiscal year as a fee to a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* (Canada) applies for the certification of a non-interest-bearing post-dated bill drawn by the corporation on the bank and payable not more than ninety days from the date of the certification;

sale
of bill

- (db) where a bill described in clause *da* that was drawn by the corporation was sold by the corporation in the fiscal year, the amount, if any, by which the principal amount of the bill exceeds the consideration paid by the purchaser to the corporation for the bill so sold;

repayment
of loan by
shareholder

- (dc) such part of any loan repaid by the corporation in the fiscal year as was required by the operation of subsection 2 of section 19, to be included in computing its income for a previous fiscal year, to the extent that the amount of the loan deemed to have been received by the corporation as a dividend was not deductible under section 40 from the income of the corporation for the year in which the dividend was deemed to have been so received, if it is established by subsequent events or otherwise that the repayment was not made as a part of a series of loans and repayments;

.

employer's
contribution
under
deferred
profit
sharing plan

- (s) an amount paid by the corporation to a trustee under a deferred profit sharing plan as permitted by subsection 4 of section 53a.

R.S.O. 1960,
c. 73, s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Sale of
mortgage
included in
proceeds of
disposition

- (15) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted, in computing the income of the corporation for the subsequent fiscal year, an amount equal to the lesser of,

- (a) the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the

Subsection 2. The new subsection provides that, where the principal amount of a mortgage or hypothec was included in the proceeds of disposition of depreciable property and in a subsequent fiscal year the mortgage or hypothec is sold at arm's length for less than the unpaid balance of the principal amount, the loss may be deducted in computing the corporation's income. Section 10 of the Bill provides an amendment dealing with the situation where the mortgage or hypothec is sold in the same fiscal year as the depreciable property. A similar amendment has been made to the *Income Tax Act* (Canada).

SECTION 8. The new clause *g* provides that no deduction shall be made for an amount paid by a corporation to a trustee under a deferred profit sharing plan except as expressly permitted by the new section 53*a*. The new clause *h* provides that no deduction shall be made for an amount paid by a corporation under a profit sharing plan unless such a plan is an employees profit sharing plan, a deferred profit sharing plan, or a registered pension fund or plan. They correspond to amendments made to subsection 1 of section 12 of the *Income Tax Act* (Canada).

SECTION 9. The amendment substitutes the word "property" for the expression "money, rights or things" in order to include real property. It corresponds to subsection 1 of section 16 of the *Income Tax Act* (Canada).

SECTION 10. The new paragraph provides that, where the principal amount of a mortgage or hypothec was included in the proceeds of disposition of depreciable property and in the same fiscal year the mortgage or hypothec was sold at arm's length for less than the unpaid balance of the principal amount, the loss may be deducted from the proceeds of disposition. It corresponds to the amendment to subsection 6 of section 20 of the *Income Tax Act* (Canada).

consideration paid by the purchaser to the corporation for the mortgage or hypothec; or

- (b) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property.

8. Subsection 1 of section 23 of *The Corporations Tax Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 73, s. 23,
subs. 1,
amended

- (g) an amount paid by a corporation to a trustee under a deferred profit sharing plan except as expressly permitted by section 53a;

Limitation
re
employer's
contribution
under
deferred
profit
sharing plan

- (h) an amount paid by a corporation to a trustee under a profit sharing plan that is not,

Limitation
re
employer's
contribution
under profit
sharing plan

(i) an employees profit sharing plan,

(ii) a deferred profit sharing plan, or

(iii) a registered pension fund or plan.

9.—(1) Subsection 1 of section 26 of *The Corporations Tax Act* is amended by striking out "money, rights or things" in the first line and inserting in lieu thereof "property".

R.S.O. 1960
c. 73, s. 26,
subs. 1,
amended

(2) Subsection 2 of the said section 26 is amended by striking out "money, rights or things" in the second line and inserting in lieu thereof "property".

R.S.O. 1960,
c. 73, s. 26,
subs. 2,
amended

10. Subsection 6 of section 31 of *The Corporations Tax Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 73, s. 31,
subs. 6,
amended

9. Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the corporation has, in the fiscal year, sold to a person with whom it was dealing at arm's length, in consideration for an amount less than the principal amount of the mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the mortgage or hypothec.

R.S.O. 1960,
c. 73,
amended

11. *The Corporations Tax Act* is amended by adding thereto the following section:

Bond
conversion

36a. Where a corporation acquires a bond of a certain debtor and, in exchange, disposes of another bond of the same debtor, and

(a) the terms on which the bond disposed of conferred the right on the corporation to make the exchange; and

(b) the amount payable to the corporation on the maturity of the bond acquired is the same as the amount that would have been payable to the corporation on the maturity of the bond disposed of if that bond had been held by the corporation to maturity,

the purchase price of the bond so acquired and the sale price of the bond so disposed of shall be deemed to be,

(c) the amount at which the bond disposed of was valued in the inventory of property of the corporation at the end of the last fiscal year of the corporation preceding its disposal; or

(d) if it was not so valued, the purchase price paid by the corporation for the bond disposed of.

R.S.O. 1960,
c. 73, s. 37,
repealed

12. Section 37 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73, s. 38
(1960-61,
c. 14, s. 4),
re-enacted

13. Section 38 of *The Corporations Tax Act*, as re-enacted by section 4 of *The Corporations Tax Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Incorrect
valuation of
inventory

38. Where the property described in the inventory of a business at the commencement of a fiscal year has, according to the method adopted by the corporation for computing income from the business for that fiscal year, not been valued as required by subsection 1 of section 25, the property described therein at the commencement of that fiscal year shall, if the Treasurer so directs, be deemed to have been valued as required by subsection 1 of section 25, and, in any such case, the income of the corporation for that fiscal year shall be correspondingly increased.

SECTION 11. The new section provides rules for the determination of the purchase price and the sale price of a bond which is exchanged for another bond that was sold with a right of conversion. The corresponding section of the *Income Tax Act* (Canada) is section 24A.

SECTIONS 12 and 13. The repeal of section 37 and the re-enactment of section 38 is necessary to correspond with similar provisions made in section 43 of the *Income Tax Act* (Canada).

SECTION 14. The new subsection 5 corresponds to a similar subsection in the *Income Tax Act* (Canada) and provides that charitable donations in excess of 10 per cent of income that a corporation may carry forward from a previous fiscal year are to be deducted before taking account of the current fiscal year's donations.

SECTION 15. The new subsection provides that the exemption from tax under sections 4 and 5 for a fiscal year shall not apply unless the corporation has been exempted from tax on taxable income under section 67 of the *Income Tax Act* (Canada).

SECTION 16—Subsection 1. The new subclause iv provides that payments to a non-profit corporation constituted exclusively for promoting or carrying on scientific research in Canada will be deductible as expenditures of a current nature on scientific research. It corresponds to a similar amendment to the *Income Tax Act* (Canada).

Subsection 2. The new subclause i' of clause b of subsection 1 corresponds to a similar provision in the *Income Tax Act* (Canada) and permits expenditures of a capital nature on scientific research in Canada to be deducted in full in the year incurred.

Subsection 3. This amendment provides that the requirement that the amount deductible on account of expenditures on scientific research shall not exceed 5 per cent of the taxable income of the corporation, unless the program has been approved, will in future apply only to expenditures of a capital nature.

14. Section 39 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 39,
amended

- (5) Paragraph 1 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under that paragraph in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. Application
of s. 39,
subs. 1,
par. 1

15. Section 42 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 42,
amended

- (3a) For the purpose of clause *c* of subsection 2, a corporation shall be deemed to have carried on an active financial, commercial or industrial business during a fiscal year unless the corporation having earned taxable income during such fiscal year was exempted from tax under Part I of the *Income Tax Act* (Canada) for that fiscal year because it was deemed to be a personal corporation as defined by subsection 1 of section 68 of the *Income Tax Act* (Canada) for the same fiscal year. Idem

R.S.C. 1952,
c. 148

16.—(1) Clause *a* of subsection 1 of section 47 of *The Corporations Tax Act* is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclause: R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. a,
amended

- (iv) by payments to a corporation resident in Canada and exempt from tax on taxable income by clause *ea* of subsection 37 of section 4; and

.

(2) Subclause *i* of clause *b* of subsection 1 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. b,
subcl. i,
re-enacted

- (i) the expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year and any previous fiscal year ending after 1958 on scientific research relating to the business and directly undertaken by or on behalf of the corporation, or

.

(3) Subsection 2 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 2,
re-enacted

Limitation

- (2) Not more than 5 per cent of the taxable income of the corporation for the fiscal year preceding the taxation year may be deducted under clause *b* of subsection 1 unless the research program in respect of which the expenditures were made has been approved.

R.S.O. 1960,
c. 73, s. 52,
amended

17. Section 52 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Fiscal year
of trust

- (5) Where an employees profit sharing plan is accepted for registration by the Treasurer as a deferred profit sharing plan, the fiscal year of the trust governed by the employees profit sharing plan shall be deemed to have ended immediately before the plan is deemed to have become registered as a deferred profit sharing plan pursuant to subsection 2 of section 53a.

R.S.O. 1960,
c. 73,
amended

18. *The Corporations Tax Act* is amended by adding thereto the following section:

Interpre-
tation

53a.—(1) In this Act,

(a) “deferred profit sharing plan” means a profit sharing plan accepted by the Treasurer for registration under this Act; and

(b) “profit sharing plan” means an arrangement under which payments computed by reference to the profits of a corporation from its business or by reference to the profits from its business and the profits, if any, from the business of a person with whom the corporation does not deal at arm’s length are made by the corporation to a trustee in trust for the benefit of employees of that corporation or of any other person, whether or not payments are also made to the trustee by the employees.

Acceptance
of plan for
registration

- (2) The Treasurer shall be deemed to have accepted for registration as a deferred profit sharing plan under this Act every profit sharing plan that is deemed to be registered by the Minister of National Revenue for Canada as a deferred profit sharing plan under section 79C of the *Income Tax Act* (Canada), and such plan shall be deemed to have been registered by the Treasurer on the same date as it is deemed to be registered as a deferred profit sharing plan under subsection 4 of section 79C of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

SECTION 17. The new subsection is consequential upon the amendment provided by section 18 of the Bill which permits certain employees profit sharing plans to become registered as deferred profit sharing plans.

SECTION 18. The new section 53a of the Act as enacted by this section of the Bill makes provision for a new class of profit sharing plans and corresponds to the new section 79C of the *Income Tax Act* (Canada).

Subsection 1 defines a deferred profit sharing plan and a profit sharing plan.

Subsection 2 states the conditions under which the plan is deemed to have been registered by the Treasurer.

Subsection 3 refers to conditions under which the Treasurer is deemed to have revoked the registration.

Subsection 4 provides that a deferred profit sharing plan shall be deemed not to be an employees profit sharing plan.

Subsection 5 exempts from tax on taxable income a trust governed by a deferred profit sharing plan, if the trust receives 90 per cent of its income from sources in Canada.

Subsections 6 and 7 fix the maximum amount deductible on account of a corporation's contributions under a deferred profit sharing plan.

- (3) The Treasurer shall be deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan as and when the Minister of National Revenue for Canada revokes it under subsection 13 of section 79C of the *Income Tax Act* (Canada). Revocation of registration R.S.C. 1952, c. 148
- (4) For a fiscal year during which a plan is a deferred profit sharing plan, the plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan. Deferred plan not employees profit sharing plan
- (5) No tax is payable under section 4 on the taxable income of the trust for a fiscal year during which, No tax while trust governed by plan
- (a) the trust was governed by a deferred profit sharing plan; and
 - (b) not less than 90 per cent of the income of the trust for the fiscal year was from sources in Canada, and for the purpose of this clause contributions to or under the plan shall not be included in computing the income of the trust.
- (6) There may be deducted in computing the income of a corporation for a fiscal year the aggregate of each amount paid by the corporation in the fiscal year, or within 120 days after the end of the fiscal year, to a trustee under a deferred profit sharing plan for the benefit of employees of the corporation who are beneficiaries under the plan, not exceeding, however, in respect of each individual employee in respect of whom the amounts so paid by the corporation were paid by it, an amount equal to the lesser of, Amount of corporation's contribution deductible
- (a) the aggregate of each amount so paid by the corporation in respect of that employee; or
 - (b) \$1,500, minus the amount, if any, deductible under clause j of subsection 1 of section 22 in respect of that employee in computing the income of the corporation for the fiscal year,
- to the extent that such amount was not deductible in computing the income of the corporation for a previous fiscal year.
- (7) Notwithstanding subsection 6, the amount that a corporation is entitled to deduct under subsection 6 in computing its income for a fiscal year shall be Limitation on deduction

R.S.C. 1952,
c. 148

Appropriation of trust
by
corporation

neither more nor less than the amount that it deducts and is allowed as a deduction in computing its income for the same fiscal year under subsections 7 and 8 of section 79C of the *Income Tax Act* (Canada).

- (8) Where funds or property of a trust governed by a deferred profit sharing plan have been appropriated in any manner whatsoever to or for the benefit of a corporation that is,

(a) an employer by whom payments are made in trust to a trustee under the plan; or

(b) a corporation with whom that employer does not deal at arm's length,

otherwise than in payment of or on account of shares of the capital stock of either that employer or the corporation, as the case may be, purchased by the trust, the amount or value of the funds or property so appropriated shall be included in computing the income of the employer or the corporation, as the case may be, for the fiscal year in which the funds or property were so appropriated, unless such funds or property or an amount in lieu thereof equal to the amount or value of such funds or property were repaid to the trust within one year from the end of the fiscal year, and it is established by subsequent events or otherwise that the repayment was not made as part of a series of appropriations and repayments.

Rules
applicable
to revoked
plan

- (9) Where the Treasurer is deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan under subsection 3, the plan hereinafter referred to as the "revoked plan", shall be deemed, for the purposes of this Act, not to be a deferred profit sharing plan, and, notwithstanding any other provision of this Act, the following rules shall apply:

1. Subsection 5 does not apply to exempt the trust governed by the plan from tax under section 4 upon the taxable income of the trust for a fiscal year in which, at any time therein, the trust was governed by the revoked plan.
2. No deduction shall be made by a corporation in computing its income for a fiscal year in respect of an amount paid by it under the plan at a time when it was a revoked plan.

Subsection 8 provides that, where property of a trust governed by a deferred profit sharing plan has been appropriated to or for the benefit of a corporation, the value of such property shall be included in its income.

Subsection 9 provides rules to apply in the case of the revocation of the registration of a deferred profit sharing plan by the Treasurer.

Subsection 10 provides that a payment "out of profits", even though it is not expressed as a percentage of profits, may be deemed to be a payment computed by reference to profits.

SECTION 19—Subsection 1. The amendment corresponds to a similar amendment to the *Income Tax Act* (Canada). It extends the rules under which a successor corporation may deduct drilling and exploration expenses incurred by a predecessor corporation to include the case where the predecessor corporation was at all times prior to its winding up a wholly-owned subsidiary of the successor corporation.

Subsection 2. This new subsection provides that bonus payments for the right to explore for petroleum or natural gas, or for a lease of a right to remove petroleum or natural gas, that would have been deductible by a predecessor corporation may be deducted by a successor corporation. It corresponds to subsection 6a of section 83A of the *Income Tax Act* (Canada).

3. There shall be included in computing the income of a corporation for a fiscal year the amount or value of any funds or property appropriated to or for the benefit of the corporation in the fiscal year that, by virtue of subsection 8, would have been so included if the revoked plan had been a deferred profit sharing plan at the time of the appropriation of the funds or property.
4. The revoked plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.

- (10) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall be deemed, for the purpose of clause *b* of subsection 1, to be an arrangement for payments "computed by reference to the profits of a corporation from its business".

19.—(1) Subsection 8 of section 57 of *The Corporations Tax Act* is amended, R.S.O. 1960,
c. 73, s. 57,
subs. 8,
amended

- (a) by inserting after "subsection" in the second line "and in subsection 8a";
- (b) by inserting after "subsection" in the ninth line "and in subsection 8a";
- (c) by striking out "or" at the end of clause *c*;
- (d) by adding "or" at the end of clause *d*; and
- (e) by adding thereto the following clause:

(da) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation where the predecessor corporation was at all times a subsidiary wholly-owned corporation subsidiary to the successor corporation.

(2) The said section 57 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 57,
amended

- (8a) In applying the provisions of subsection 8 to determine the amount that may be deducted by a successor corporation in computing its income under this Part Application
of subs. 8

for a fiscal year, where the predecessor corporation has paid an amount other than a rental or royalty to the government of Canada or of a province for,

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"; or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection 5, to any deduction in computing its income for a fiscal year in respect of the amount so paid, the property of the predecessor corporation was acquired by the successor corporation in the manner set out in subsection 8, and the successor corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in clause *a* or *b* surrender all the rights so acquired by the predecessor corporation including, in respect of a right of the kind described in clause *a*, all rights thereunder to any lease and all rights under any lease made thereunder without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under clause *c* of subsection 8.

R.S.O. 1960,
c. 73, s. 57,
subs. 9,
re-enacted

(3) Subsection 9 of the said section 57 is repealed and the following substituted therefor:

Processing
corporations

(9) A reference in subsection 3, 5, 7 or 8 to a corporation, the principal business of which is mining or exploring for minerals, shall, for the purposes of this section and subsection 7 of section 55, be deemed to include a reference to a corporation, the principal business of which is,

- (a) processing mineral ores for the purpose of recovering metals therefrom;
- (b) a combination of,
 - (i) processing mineral ores for the purpose of recovering metals therefrom, and

Subsection 3. The amendment corresponds to a similar amendment to section 83A of the *Income Tax Act* (Canada) and provides that the deduction from income allowed to a corporation the principal business of which is mining or producing petroleum or natural gas or processing ores or metals recovered from mineral ores shall be extended to a corporation the principal business of which is fabricating metals.

SECTION 20—Subsection 1. This amendment corresponds to a similar amendment to subsection 1 of section 85B of the *Income Tax Act* (Canada). It provides that, where an amount has been included in computing the income of a corporation from a business in respect of land sold in the course of the business and that amount is not receivable until a day after the end of the fiscal year, a reasonable amount as a reserve may be deducted in computing income for the fiscal year.

Subsection 2. The amendment provides that an insurance corporation, other than a life insurance corporation, in computing its income from its insurance business for a fiscal year shall deduct as a policy reserve such amounts as are deducted by it and allowed under clause 5 of section 85B of the *Income Tax Act* (Canada) for the same fiscal year.

- (ii) processing metals recovered from the ores so processed; or

(c) fabricating metals;

but, in making applicable this section and subsection 7 of section 55 to any such corporation, there shall be substituted,

(d) for the references, respectively, in subsections 3, 5, 7 and 8 to the years 1952, 1952, 1953, and 1954, a reference in each case to the year 1956; and

(e) for the reference in subsection 7 of section 55 to the year 1954, a reference to the year 1956.

20.—(1) Clause *d* of subsection 1 of section 60 of *The Corporations Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 60,
subs. 1,
clause *d*,
re-enacted

(d) where an amount has been included in computing the income of a corporation from its business for the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable,

(i) where the property sold is property other than land, until a day that is,

(A) more than two years after the day on which the property was sold, and

(B) after the end of the fiscal year, or

(ii) where the property sold is land, until a day that is after the end of the fiscal year,

there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and

.

(2) Subsection 5 of the said section 60 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 60,
subs. 5,
re-enacted

(5) Clause *c* of subsection 1 does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance

Policy
reserves

corporation, shall, in computing its income from its insurance business for a fiscal year, deduct as policy reserves such amounts as are deducted by the corporation and allowed under subsection 5 of section 85B of the *Income Tax Act* (Canada) for the same fiscal year.

R.S.C. 1952,
c. 148

R.S.O. 1960,
c. 73, s. 62,
subs. 4,
repealed

21. Subsection 4 of section 62 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73,
s. 65, subs. 2,
par. 4, cl. b,
amended

22.—(1) Clause *b* of paragraph 4 of subsection 2 of section 65 of *The Corporations Tax Act*, as amended by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1960-1961*, is further amended by striking out “and” at the end of subclause ii, by adding “and” at the end of subclause iii and by adding thereto the following subclause:

- (iv) where depreciable property that is deemed by subsection 5 of section 47 to be of a separate prescribed class is acquired by the new corporation from a predecessor corporation, the property shall continue to be deemed to be of that same separate prescribed class.

R.S.O. 1960,
c. 73, s. 65,
subs. 2,
amended

(2) Subsection 2 of the said section 65, as amended by subsections 2, 3 and 4 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, is further amended by adding thereto the following paragraph:

Scientific
research

- 11. For the purpose of section 47, any expenditure of a capital nature on scientific research made by a predecessor corporation in its last fiscal year or a previous fiscal year that would have been deductible by the predecessor corporation by virtue of clause *b* of subsection 1 of section 47 in computing its income for its last fiscal year shall, to the extent such expenditure has not been deducted by the predecessor corporation, be deemed to have been an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first fiscal year.

R.S.O. 1960,
c. 73, s. 65,
subs. 3,
amended

(3) Subsection 3 of the said section 65, as amended by subsection 5 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, is further amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

- (*da*) fabricating metals.

R.S.O. 1960,
c. 73, s. 65,
amended

(4) The said section 65 is amended by adding thereto the following subsection:

SECTION 21. Subsection 4 of section 62 of the Act is repealed as it is no longer necessary. It corresponded to subsection 4 of section 85E of the *Income Tax Act* (Canada) which has been amended to allow a corporation to calculate its abatement under section 40 of that Act in respect of its total taxable income of the fiscal year in which the inventory is sold.

SECTION 22—Subsection 1. The amendment provides that depreciable property acquired by a predecessor corporation as a result of expenditures of a capital nature on scientific research in Canada and deemed to be of a separate prescribed class shall continue to be of that same class when acquired by a new corporation formed as a result of an amalgamation. It corresponds to a similar amendment to the *Income Tax Act* (Canada).

Subsection 2. The amendment corresponds to an amendment to the *Income Tax Act* (Canada) and provides that expenditures of a capital nature on scientific research in Canada made by a predecessor corporation but not deducted by it shall be available for deduction by a new corporation formed as a result of an amalgamation.

Subsection 3. This amendment corresponds to an amendment to the *Income Tax Act* (Canada). It provides that the extension of the right to deduct drilling and exploration expenses to corporations the principal business of which is fabricating metals as provided by subsection 3 of section 19 of the Bill shall also apply to a new corporation formed as a result of an amalgamation.

Subsection 4. The new subsection corresponds to subsection 3a of section 85I of the *Income Tax Act* (Canada). It provides that bonus payments for the right to explore for petroleum or natural gas, or for a lease of a right to remove petroleum or natural gas, that would have been deductible by a predecessor corporation may be deducted by a new corporation formed as a result of an amalgamation.

SECTION 23. The re-enactment of subsection 5 of section 9 of *The Corporations Tax Amendment Act, 1960-61* corrects an error in respect of the application of section 1 of that Act.

- (4) In applying the provisions of subsection 3 to deter- ^{Idem}mine the amount that may be deducted by the new corporation in computing its income under this Part for a fiscal year, where a predecessor corporation has paid an amount other than a rental or royalty to the government of Canada or of a province for,

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"; or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection 5 of section 57, to any deduction in computing its income for a fiscal year in respect of the amount so paid, the property of the predecessor corporation was acquired by the new corporation and the new corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in clause *a* or *b*, surrender all the rights so acquired by the predecessor corporation, including, in respect of a right of the kind described in clause *a*, all rights thereunder to any lease and all rights under any lease made thereunder, without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under clause *e* of subsection 3.

23. Subsection 5 of section 9 of *The Corporations Tax* ^{1960-61, c. 14, s. 9,} *Amendment Act, 1960-61* is repealed and the following sub- ^{subs. 5,} ^{re-enacted}stituted therefor:

- (5) Sections 2, 4 and 6, subsections 3 and 4 of section 7 ^{Idem} and section 8 of this Act apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.
- (5a) Except as provided by subsection 6, section 1 of this ^{Idem} Act applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.

Application
of Act

24.—(1) Section 15 applies in respect of fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.

Idem

(2) Subsection 4 of section 3 and subsection 1 of section 16 apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

Idem

(3) Subsections 40, 41 and 44 of section 4 of *The Corporations Tax Act*, as re-enacted by subsection 6 of section 3 of this Act, apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

Idem

(4) Section 6 applies in respect of fiscal years of corporations that end after the 20th day of December, 1960.

Idem

(5) Clause *o* of subsection 37 of section 4 of *The Corporations Tax Act*, as re-enacted by subsection 5 of section 3 of this Act, applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years, except as provided in clauses *oa* and *ob* of subsection 37 of the said section 4, as enacted by subsection 5 of section 3 of this Act.

Idem

(6) Sections 1 and 2, subsection 3 of section 3, sections 5, 7, 8, 9, 10, 11 and 14, subsections 2 and 3 of section 16 and sections 17, 18, 19, 20 and 22 apply in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.

Idem

(7) Subsection 45 of section 4 of *The Corporations Tax Act*, as enacted by subsection 6 of section 3 of this Act, applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.

Idem

(8) Subsections 1 and 2 of section 3 and sections 4 and 13 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.

Idem

(9) The provisions of subsections 42 and 43 of section 4 of *The Corporations Tax Act*, as repealed by subsection 7 of section 3 of this Act, section 37 of *The Corporations Tax Act*, as repealed by section 12 of this Act, and subsection 4 of section 62 of *The Corporations Tax Act*, as repealed by section 21 of this Act, apply in respect of fiscal years of corporations ending in 1957 to 1961 and in respect of no other fiscal years.

Commence-
ment

25.—(1) This Act, except section 23, comes into force on the day it receives Royal Assent.

(2) Section 23 shall be deemed to have come into force on *Idem* the 29th day of March, 1961.

26. This Act may be cited as *The Corporations Tax Amend-* Short title
ment Act, 1961-62.



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An Act to amend
The Corporations Tax Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

Mr. ALLAN (Haldimand-Norfolk)

BILL 114

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Corporations Tax Act

MR. ALLAN (Haldimand-Norfolk)

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BILL 114

1961-62

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 14, re-enacted

14. "exempt income" means property received or acquired by a corporation in such circumstances that it is, by reason of any provision in Part III, not included in computing its income and includes amounts that are deductible under subsection 1 of section 40.

(2) Subsection 6 of the said section 1 is amended by striking out "and" at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following: R.S.O. 1960, c. 73, s. 1, subs. 6, amended

- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provided that the right is not exercisable until the death of an individual designated therein, be deemed to have had the same position in relation to the control of the corporation as if he owned the shares; and
- (c) where a person owns shares in two or more corporations, he shall as shareholder of one of the corporations be deemed to be related to himself as shareholder of each of the other corporations.

2.—(1) Subsection 5 of section 2 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 2, subs. 5, re-enacted

Idem

- (5) An insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered or licensed to do business.

R.S.O. 1960,
c. 73, s. 2,
subs. 10,
re-enacted

- (2) Subsection 10 of the said section 2 is repealed and the following substituted therefor:

Idem

- (10) Where a corporation has no fixed place of business, it has a permanent establishment in the principal place where the corporation carries on business and in the place designated in its charter or by-laws as being its head office.

R.S.O. 1960,
c. 73, s. 4,
subs. 6, cl. i,
re-enacted

- 3.—(1) Clause *i* of subsection 6 of section 4 of *The Corporations Tax Act* is repealed and the following substituted therefor:

- (i) gross revenue that arises from leasing land owned by the corporation in a province shall be attributable to the province where that land is situated.

R.S.O. 1960,
c. 73, s. 4,
amended

- (2) The said section 4 is amended by adding thereto the following subsection:

Corporations
in partner-
ship with
others

- (6a) For the purpose of subsections 5, 13, 28, 29, 30 and 31 of this section and the corresponding subsections of section 5, where part of the operations of a corporation are conducted jointly or in partnership with one or more other persons,

- (a) the gross revenue of the corporation for the fiscal year; and

- (b) the salaries and wages paid in the fiscal year by the corporation,

shall include, in respect of those operations, only that proportion of,

- (c) the total gross revenue of the joint operations or partnership for the fiscal year ending in the calendar year; and

- (d) the total salaries and wages paid jointly by the operators or partners in the fiscal year ending in the calendar year,

respectively, that,

- (e) the share of the corporation of the profit or loss for the fiscal year from the joint operations or partnership,

is of,

- (f) the total profit or loss for the fiscal year from the joint operations or partnership.

(3) Subclause iii of clause e of subsection 37 of the said section 4 is amended by striking out "or" at the end of paragraph B, by adding "or" at the end of paragraph C and by adding thereto the following paragraph:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
cl. e,
subcl. iii,
amended

- (D) a gift to Her Majesty in right of Canada or a province or to a Canadian municipality.

(4) Subsection 37 of the said section 4 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
amended

- (ea) a corporation that was constituted exclusively for the purpose of carrying on or promoting scientific research, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not acquired control of any other corporation and that, during the fiscal year,

non-profit
corporation
for
scientific
research

- (i) did not carry on any business, and

- (ii) expended amounts in Canada each of which is,

- (A) an expenditure on scientific research directly undertaken by or on behalf of the corporation, or

- (B) a payment to an association, university, college or research institution, described in subclause ii or iii of clause a of subsection 1 of section 47, to be used for scientific research,

and the aggregate of which is not less than 90 per cent of the corporation's income for the fiscal year.

(5) Clause o of subsection 37 the said section 4 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 4,
subs. 37,
cl. o,
re-enacted

pension
corporations

- (o) a corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90 per cent of the income of which for the fiscal year was from sources in Canada;

idem

- (oa) in the case of a corporation referred to in clause o, less than 90 per cent but not less than 80 per cent of the income of which for its fiscal year commencing in 1960 was from sources in Canada, "90 per cent" in clause o shall, in respect of its application to fiscal years of that corporation commencing in 1961 and 1962, be read as "80 per cent"; and

idem

- (ob) in the case of a corporation referred to in clause o, less than 80 per cent of the income of which for its fiscal year commencing in 1960 was from sources in Canada, "90 per cent" in clause o shall, in respect of its application to the fiscal year of that corporation commencing in 1961, be read as "70 per cent" and, in respect of its application to the fiscal year of that corporation commencing in 1962, be read as "80 per cent".

R.S.O. 1960,
c. 73, s. 4,
subs. 40, 41,
re-enacted

- (6) Subsections 40 and 41 of the said section 4 are repealed and the following substituted therefor:

Idem

- (40) For the purpose of clause *ea* of subsection 37,

- (a) a corporation is controlled by another corporation if more than 50 per cent of its issued share capital having full voting rights under all circumstances belongs to,

(i) the other corporation, or

- (ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but a corporation shall be deemed not to have acquired control of a corporation if it has not purchased or otherwise acquired for a consideration any of the shares in the capital stock of that corporation; and

- (b) there shall be included in computing a corporation's income all gifts received by the corporation and all amounts contributed to the corporation to be used for scientific research.

- (41) In computing the income of a corporation for the purpose of determining whether it is described by clause *e* or *ea* of subsection 37 for a fiscal year, Rules

- (a) there may be deducted an amount not exceeding its income for the fiscal year preceding the taxation year without including or deducting any amount under this subsection; and
- (b) there shall be included any amount that has been deducted under this subsection for the immediately preceding fiscal year.

- (44) For the purpose of determining whether a corporation has complied with the requirements of subclause iii of clause *e* or subclause ii of clause *ea* of subsection 37 for its first fiscal year after its incorporation, the whole or any part of amounts expended by it in the immediately subsequent fiscal year shall, if it so elects, be deemed to have been expended by it in the first fiscal year and not in the subsequent fiscal year. Election by new charitable corporation

- (45) In computing the income of a corporation for the purpose of determining whether it is a corporation described in clause *o* of subsection 37 for a fiscal year, contributions to or under the fund or plan in connection with which or for the administration of which the corporation was incorporated shall not be included. Contributions to or under registered pension fund or plan not included

- (7) Subsections 42 and 43 of the said section 4 are repealed. R.S.O. 1960, c. 73, s. 4, subs. 42, 43, repealed

4. Subsection 2 of section 6 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 6, subs. 2, re-enacted

- (2) Except as in this section otherwise provided, every corporation not having a permanent establishment in Ontario but which merely holds assets in Ontario or which merely maintains in Ontario an office solely for the purchase of merchandise or which, being a corporation incorporated under the legislation of any jurisdiction other than Ontario, is required, in order to hold land in Ontario, to be licensed under *The Mortmain and Charitable Uses Act* and merely possesses such a licence or which, in order to have the right to carry on business in Ontario, is required to be licensed under Part IX Special business tax
R.S.O. 1960, c. 246

R.S.O. 1960,
c. 71

of *The Corporations Act* and merely holds a licence under that Part, shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of \$50.

Idem

- (2a) Except as in this section otherwise provided, every corporation not having a permanent establishment in Ontario but which carries on business in Ontario within the meaning of section 346 of *The Corporations Act* shall for every fiscal year of the corporation, in addition to all other taxes for which it may be liable, pay a tax of one-tenth of 1 per cent calculated on the total amount of its gross sales made to or its gross revenue received from customers residing in Ontario provided that the tax imposed under this subsection shall not be less than \$5 or more than \$50.

R.S.O. 1960,
c. 73, s. 17,
amended

5. Section 17 of *The Corporations Tax Act* is amended by striking out "and" at the end of clause g, by adding "and" at the end of clause h and by adding thereto the following clause:

profit
sharing
plan

- (i) amounts received by a corporation in the fiscal year under a deferred profit sharing plan as provided by section 53a.

R.S.O. 1960,
c. 73, s. 18,
amended

6. Section 18 of *The Corporations Tax Act* is amended by adding thereto the following subsections:

Obligation
issued at a
discount

- (2) Where, in the case of a bond, debenture, bill, note, mortgage, hypothec or similar obligation issued after December 20, 1960, by a person exempt from tax under section 62 of the *Income Tax Act* (Canada), a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

R.S.C. 1952,
c. 148

- (a) the obligation was issued for an amount that is less than the principal amount thereof;

- (b) the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on,

- (i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or

- (ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

is less than 5 per cent; and

- (c) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued, which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest such annual rate obtainable conditional upon the exercise of any such right, exceeds the annual rate determined under clause *b* by more than one-third thereof,

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of a corporation for the fiscal year in which it became the owner of the obligation if it is the first owner thereof and is a corporation that has a permanent establishment in Canada and if it is not a corporation that is exempt from tax under subsection 37 of section 4.

- (3) In subsection 2, "principal amount", in relation to any obligation, means the amount that, under the terms of the obligation or any agreement relating thereto, is the maximum amount or maximum aggregate amount, as the case may be, payable on account of the obligation by the issuer thereof, otherwise than as or on account of interest or as or on account of any premium payable by the issuer conditional upon the exercise by the issuer of a right to redeem the obligation before the maturity thereof.

- (4) Subsection 1 does not apply in any case where sub-Application section 2 applies.

7.—(1) Subsection 1 of section 22 of *The Corporations Tax Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 73, s. 22,
subs. 1,
amended

certification
fee paid
to bank
R.S.C. 1952,
cc. 12, 232

- (da) an amount payable by the corporation in the fiscal year as a fee to a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* (Canada) applies for the certification of a non-interest-bearing post-dated bill drawn by the corporation on the bank and payable not more than ninety days from the date of the certification;

sale
of bill

- (db) where a bill described in clause *da* that was drawn by the corporation was sold by the corporation in the fiscal year, the amount, if any, by which the principal amount of the bill exceeds the consideration paid by the purchaser to the corporation for the bill so sold;

repayment
of loan by
shareholder

- (dc) such part of any loan repaid by the corporation in the fiscal year as was required by the operation of subsection 2 of section 19, to be included in computing its income for a previous fiscal year, to the extent that the amount of the loan deemed to have been received by the corporation as a dividend was not deductible under section 40 from the income of the corporation for the year in which the dividend was deemed to have been so received, if it is established by subsequent events or otherwise that the repayment was not made as a part of a series of loans and repayments;

.

employer's
contribution
under
deferred
profit
sharing plan

- (s) an amount paid by the corporation to a trustee under a deferred profit sharing plan as permitted by subsection 4 of section 53a.

R.S.O. 1960,
c. 73, s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Sale of
mortgage
included in
proceeds of
disposition

- (15) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted, in computing the income of the corporation for the subsequent fiscal year, an amount equal to the lesser of,

- (a) the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the

consideration paid by the purchaser to the corporation for the mortgage or hypothec; or

- (b) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property.

8. Subsection 1 of section 23 of *The Corporations Tax Act* is amended by adding thereto the following clauses:

R.S.O. 1960,
c. 73, s. 23,
subs. 1,
amended

- (g) an amount paid by a corporation to a trustee under a deferred profit sharing plan except as expressly permitted by section 53a;

Limitation
re
employer's
contribution
under
deferred
profit
sharing plan

- (h) an amount paid by a corporation to a trustee under a profit sharing plan that is not,

Limitation
re
employer's
contribution
under profit
sharing plan

- (i) an employees profit sharing plan,

- (ii) a deferred profit sharing plan, or

- (iii) a registered pension fund or plan.

9.—(1) Subsection 1 of section 26 of *The Corporations Tax Act* is amended by striking out "money, rights or things" in the first line and inserting in lieu thereof "property".

R.S.O. 1960,
c. 73, s. 26,
subs. 1,
amended

(2) Subsection 2 of the said section 26 is amended by striking out "money, rights or things" in the second line and inserting in lieu thereof "property".

R.S.O. 1960,
c. 73, s. 26,
subs. 2,
amended

10. Subsection 6 of section 31 of *The Corporations Tax Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 73, s. 31,
subs. 6,
amended

9. Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include a mortgage or hypothec on land that the corporation has, in the fiscal year, sold to a person with whom it was dealing at arm's length, in consideration for an amount less than the principal amount of the mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the mortgage or hypothec.

R.S.O. 1960,
c. 73,
amended

11. *The Corporations Tax Act* is amended by adding thereto the following section:

Bond
conversion

36a. Where a corporation acquires a bond of a certain debtor and, in exchange, disposes of another bond of the same debtor, and

(a) the terms on which the bond disposed of conferred the right on the corporation to make the exchange; and

(b) the amount payable to the corporation on the maturity of the bond acquired is the same as the amount that would have been payable to the corporation on the maturity of the bond disposed of if that bond had been held by the corporation to maturity,

the purchase price of the bond so acquired and the sale price of the bond so disposed of shall be deemed to be,

(c) the amount at which the bond disposed of was valued in the inventory of property of the corporation at the end of the last fiscal year of the corporation preceding its disposal; or

(d) if it was not so valued, the purchase price paid by the corporation for the bond disposed of.

R.S.O. 1960,
c. 73, s. 37,
repealed

12. Section 37 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73, s. 38
(1960-61,
c. 14, s. 4),
re-enacted

13. Section 38 of *The Corporations Tax Act*, as re-enacted by section 4 of *The Corporations Tax Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Incorrect
valuation of
inventory

38. Where the property described in the inventory of a business at the commencement of a fiscal year has, according to the method adopted by the corporation for computing income from the business for that fiscal year, not been valued as required by subsection 1 of section 25, the property described therein at the commencement of that fiscal year shall, if the Treasurer so directs, be deemed to have been valued as required by subsection 1 of section 25, and, in any such case, the income of the corporation for that fiscal year shall be correspondingly increased.

14. Section 39 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 39,
amended

- (5) Paragraph 1 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under that paragraph in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. Application
of s. 39,
subs. 1,
par. 1

15. Section 42 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 42,
amended

- (3a) For the purpose of clause *c* of subsection 2, a corporation shall be deemed to have carried on an active financial, commercial or industrial business during a fiscal year unless the corporation having earned taxable income during such fiscal year was exempted from tax under Part I of the *Income Tax Act* (Canada) for that fiscal year because it was deemed to be a personal corporation as defined by subsection 1 of section 68 of the *Income Tax Act* (Canada) for the same fiscal year. Idem

R.S.C. 1952,
c. 148

16.—(1) Clause *a* of subsection 1 of section 47 of *The Corporations Tax Act* is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclause: R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. *a*,
amended

- (iv) by payments to a corporation resident in Canada and exempt from tax on taxable income by clause *ea* of subsection 37 of section 4; and
-

(2) Subclause *i* of clause *b* of subsection 1 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 1, cl. *b*,
subcl. 1,
re-enacted

- (i) the expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year and any previous fiscal year ending after 1958 on scientific research relating to the business and directly undertaken by or on behalf of the corporation, or
-

(3) Subsection 2 of the said section 47 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 47,
subs. 2,
re-enacted

Limitation

- (2) Not more than 5 per cent of the taxable income of the corporation for the fiscal year preceding the taxation year may be deducted under clause *b* of subsection 1 unless the research program in respect of which the expenditures were made has been approved.

R.S.O. 1960,
c. 73, s. 52,
amended

17. Section 52 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Fiscal year
of trust

- (5) Where an employees profit sharing plan is accepted for registration by the Treasurer as a deferred profit sharing plan, the fiscal year of the trust governed by the employees profit sharing plan shall be deemed to have ended immediately before the plan is deemed to have become registered as a deferred profit sharing plan pursuant to subsection 2 of section 53a.

R.S.O. 1960,
c. 73,
amended

18. *The Corporations Tax Act* is amended by adding thereto the following section:

Interpre-
tation

53a.—(1) In this Act,

- (a) “deferred profit sharing plan” means a profit sharing plan accepted by the Treasurer for registration under this Act; and
- (b) “profit sharing plan” means an arrangement under which payments computed by reference to the profits of a corporation from its business or by reference to the profits from its business and the profits, if any, from the business of a person with whom the corporation does not deal at arm’s length are made by the corporation to a trustee in trust for the benefit of employees of that corporation or of any other person, whether or not payments are also made to the trustee by the employees.

Acceptance
of plan for
registration

- (2) The Treasurer shall be deemed to have accepted for registration as a deferred profit sharing plan under this Act every profit sharing plan that is deemed to be registered by the Minister of National Revenue for Canada as a deferred profit sharing plan under section 79C of the *Income Tax Act* (Canada), and such plan shall be deemed to have been registered by the Treasurer on the same date as it is deemed to be registered as a deferred profit sharing plan under subsection 4 of section 79C of the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

- (3) The Treasurer shall be deemed to have revoked the ^{Revocation of} registration of a profit sharing plan as a deferred profit sharing plan as and when the Minister of National Revenue for Canada revokes it under subsection 13 of section 79C of the *Income Tax Act* ^{R.S.C. 1952, c. 148} (Canada).
- (4) For a fiscal year during which a plan is a deferred profit sharing plan, the plan shall be deemed, for the ^{Deferred plan not} purposes of this Act, not to be an employees profit sharing plan ^{profit sharing plan}.
- (5) No tax is payable under section 4 on the taxable ^{No tax while trust governed by plan} income of the trust for a fiscal year during which,
- (a) the trust was governed by a deferred profit sharing plan; and
 - (b) not less than 90 per cent of the income of the trust for the fiscal year was from sources in Canada, and for the purpose of this clause contributions to or under the plan shall not be included in computing the income of the trust.
- (6) There may be deducted in computing the income of ^{Amount of corporation's contribution deductible} a corporation for a fiscal year the aggregate of each amount paid by the corporation in the fiscal year, or within 120 days after the end of the fiscal year, to a trustee under a deferred profit sharing plan for the benefit of employees of the corporation who are beneficiaries under the plan, not exceeding, however, in respect of each individual employee in respect of whom the amounts so paid by the corporation were paid by it, an amount equal to the lesser of,
- (a) the aggregate of each amount so paid by the corporation in respect of that employee; or
 - (b) \$1,500, minus the amount, if any, deductible under clause j of subsection 1 of section 22 in respect of that employee in computing the income of the corporation for the fiscal year,
- to the extent that such amount was not deductible in computing the income of the corporation for a previous fiscal year.
- (7) Notwithstanding subsection 6, the amount that a ^{Limitation on} corporation is entitled to deduct under subsection 6 ^{deduction} in computing its income for a fiscal year shall be

R.S.C. 1952,
c. 148

Appropriation of trust
by
corporation

neither more nor less than the amount that it deducts and is allowed as a deduction in computing its income for the same fiscal year under subsections 7 and 8 of section 79C of the *Income Tax Act* (Canada).

- (8) Where funds or property of a trust governed by a deferred profit sharing plan have been appropriated in any manner whatsoever to or for the benefit of a corporation that is,

(a) an employer by whom payments are made in trust to a trustee under the plan; or

(b) a corporation with whom that employer does not deal at arm's length,

otherwise than in payment of or on account of shares of the capital stock of either that employer or the corporation, as the case may be, purchased by the trust, the amount or value of the funds or property so appropriated shall be included in computing the income of the employer or the corporation, as the case may be, for the fiscal year in which the funds or property were so appropriated, unless such funds or property or an amount in lieu thereof equal to the amount or value of such funds or property were repaid to the trust within one year from the end of the fiscal year, and it is established by subsequent events or otherwise that the repayment was not made as part of a series of appropriations and repayments.

Rules
applicable
to revoked
plan

- (9) Where the Treasurer is deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan under subsection 3, the plan, hereinafter referred to as the "revoked plan", shall be deemed, for the purposes of this Act, not to be a deferred profit sharing plan, and, notwithstanding any other provision of this Act, the following rules shall apply:

1. Subsection 5 does not apply to exempt the trust governed by the plan from tax under section 4 upon the taxable income of the trust for a fiscal year in which, at any time therein, the trust was governed by the revoked plan.
2. No deduction shall be made by a corporation in computing its income for a fiscal year in respect of an amount paid by it under the plan at a time when it was a revoked plan.

3. There shall be included in computing the income of a corporation for a fiscal year the amount or value of any funds or property appropriated to or for the benefit of the corporation in the fiscal year that, by virtue of subsection 8, would have been so included if the revoked plan had been a deferred profit sharing plan at the time of the appropriation of the funds or property.

4. The revoked plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.

- (10) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall be deemed, for the purpose of clause *b* of subsection 1, to be an arrangement for payments "computed by reference to the profits of a corporation from its business".

19.—(1) Subsection 8 of section 57 of *The Corporations Tax Act* is amended, R.S.O. 1960,
c. 73, s. 57,
subs. 8,
amended

(a) by inserting after "subsection" in the second line "and in subsection 8a";

(b) by inserting after "subsection" in the ninth line "and in subsection 8a";

(c) by striking out "or" at the end of clause *c*;

(d) by adding "or" at the end of clause *d*; and

(e) by adding thereto the following clause:

(da) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation where the predecessor corporation was at all times a subsidiary wholly-owned corporation subsidiary to the successor corporation.

(2) The said section 57 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 57,
amended

(8a) In applying the provisions of subsection 8 to determine the amount that may be deducted by a successor corporation in computing its income under this Part Application
of subs. 8

for a fiscal year, where the predecessor corporation has paid an amount other than a rental or royalty to the government of Canada or of a province for,

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"; or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection 5, to any deduction in computing its income for a fiscal year in respect of the amount so paid, the property of the predecessor corporation was acquired by the successor corporation in the manner set out in subsection 8, and the successor corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in clause *a* or *b* surrender all the rights so acquired by the predecessor corporation including, in respect of a right of the kind described in clause *a*, all rights thereunder to any lease and all rights under any lease made thereunder without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under clause *c* of subsection 8.

R.S.O. 1960,
c. 73, s. 57,
subs. 9,
re-enacted

(3) Subsection 9 of the said section 57 is repealed and the following substituted therefor:

Processing
corporations

(9) A reference in subsection 3, 5, 7 or 8 to a corporation, the principal business of which is mining or exploring for minerals, shall, for the purposes of this section and subsection 7 of section 55, be deemed to include a reference to a corporation, the principal business of which is,

- (a) processing mineral ores for the purpose of recovering metals therefrom;
- (b) a combination of,
 - (i) processing mineral ores for the purpose of recovering metals therefrom, and

(ii) processing metals recovered from the ores so processed; or

(c) fabricating metals;

but, in making applicable this section and subsection 7 of section 55 to any such corporation, there shall be substituted,

(d) for the references, respectively, in subsections 3, 5, 7 and 8 to the years 1952, 1952, 1953, and 1954, a reference in each case to the year 1956; and

(e) for the reference in subsection 7 of section 55 to the year 1954, a reference to the year 1956.

20.—(1) Clause *d* of subsection 1 of section 60 of *The Corporations Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 60,
subs. 1,
clause *d*,
re-enacted

(d) where an amount has been included in computing the income of a corporation from its business for the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable,

(i) where the property sold is property other than land, until a day that is,

(A) more than two years after the day on which the property was sold, and

(B) after the end of the fiscal year, or

(ii) where the property sold is land, until a day that is after the end of the fiscal year,

there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and

.

(2) Subsection 5 of the said section 60 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 73, s. 60,
subs. 5,
re-enacted

(5) Clause *c* of subsection 1 does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance

Policy
reserves

R.S.C. 1952,
c. 148

corporation, shall, in computing its income from its insurance business for a fiscal year, deduct as policy reserves such amounts as are deducted by the corporation and allowed under subsection 5 of section 85B of the *Income Tax Act* (Canada) for the same fiscal year.

R.S.O. 1960,
c. 73, s. 62,
subs. 4,
repealed

21. Subsection 4 of section 62 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,
c. 73,
s. 65, subs. 2,
par. 4, cl. b,
amended

22.—(1) Clause *b* of paragraph 4 of subsection 2 of section 65 of *The Corporations Tax Act*, as amended by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1960-1961*, is further amended by striking out "and" at the end of subclause ii, by adding "and" at the end of subclause iii and by adding thereto the following subclause:

- (iv) where depreciable property that is deemed by subsection 5 of section 47 to be of a separate prescribed class is acquired by the new corporation from a predecessor corporation, the property shall continue to be deemed to be of that same separate prescribed class.

R.S.O. 1960,
c. 73, s. 65,
subs. 2,
amended

(2) Subsection 2 of the said section 65, as amended by subsections 2, 3 and 4 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, is further amended by adding thereto the following paragraph:

Scientific
research

- 11. For the purpose of section 47, any expenditure of a capital nature on scientific research made by a predecessor corporation in its last fiscal year or a previous fiscal year that would have been deductible by the predecessor corporation by virtue of clause *b* of subsection 1 of section 47 in computing its income for its last fiscal year shall, to the extent such expenditure has not been deducted by the predecessor corporation, be deemed to have been an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first fiscal year.

R.S.O. 1960,
c. 73, s. 65,
subs. 3,
amended

(3) Subsection 3 of the said section 65, as amended by subsection 5 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

- (*da*) fabricating metals.

R.S.O. 1960,
c. 73, s. 65,
amended

(4) The said section 65 is amended by adding thereto the following subsection:

- (4) In applying the provisions of subsection 3 to deter-Idem
mine the amount that may be deducted by the new
corporation in computing its income under this Part
for a fiscal year, where a predecessor corporation
has paid an amount other than a rental or royalty
to the government of Canada or of a province for,

- (a) the right to explore for petroleum or natural
gas on a specified parcel of land in Canada
which right is, for greater certainty, declared
to include a right of the type commonly re-
ferred to as a "licence", "permit" or "reserva-
tion"; or
- (b) a legal lease of the right to take or remove
petroleum or natural gas from a specified
parcel of land in Canada,

if, before the predecessor corporation was entitled,
by virtue of subsection 5 of section 57, to any deduc-
tion in computing its income for a fiscal year in
respect of the amount so paid, the property of the
predecessor corporation was acquired by the new
corporation and the new corporation did, before
any well came into production in reasonable com-
mercial quantities, on the land referred to in clause *a*
or *b*, surrender all the rights so acquired by the pre-
decessor corporation, including, in respect of a right
of the kind described in clause *a*, all rights thereunder
to any lease and all rights under any lease made
thereunder, without receiving any consideration
therefor or payment of any part of the amount so
paid by the predecessor corporation, the amount so
paid by the predecessor corporation shall be added
to the amount determined under clause *e* of subsec-
tion 3.

23. Subsection 5 of section 9 of *The Corporations Tax* 1960-61,
Amendment Act, 1960-61 is repealed and the following sub-^{c. 14, s. 9,}
stituted therefor: ^{subs. 6,}
^{re-enacted}

- (5) Sections 2, 4 and 6, subsections 3 and 4 of section 7 Idem
and section 8 of this Act apply in respect of fiscal
years of corporations ending in 1960 and in respect
of subsequent fiscal years.
- (5a) Except as provided by subsection 6, section 1 of this Idem
Act applies in respect of fiscal years of corporations
ending in 1961 and in respect of subsequent fiscal
years.

- Application of Act** **24.**—(1) Section 15 applies in respect of fiscal years of corporations ending in 1957 and in respect of subsequent fiscal years.
- Idem** (2) Subsection 4 of section 3 and subsection 1 of section 16 apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.
- Idem** (3) Subsections 40, 41 and 44 of section 4 of *The Corporations Tax Act*, as re-enacted by subsection 6 of section 3 of this Act, apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.
- Idem** (4) Section 6 applies in respect of fiscal years of corporations that end after the 20th day of December, 1960.
- Idem** (5) Clause *o* of subsection 37 of section 4 of *The Corporations Tax Act*, as re-enacted by subsection 5 of section 3 of this Act, applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years, except as provided in clauses *oa* and *ob* of subsection 37 of the said section 4, as enacted by subsection 5 of section 3 of this Act.
- Idem** (6) Sections 1 and 2, subsection 3 of section 3, sections 5, 7, 8, 9, 10, 11 and 14, subsections 2 and 3 of section 16 and sections 17, 18, 19, 20 and 22 apply in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.
- Idem** (7) Subsection 45 of section 4 of *The Corporations Tax Act*, as enacted by subsection 6 of section 3 of this Act, applies in respect of fiscal years of corporations ending in 1961 and in respect of subsequent fiscal years.
- Idem** (8) Subsections 1 and 2 of section 3 and sections 4 and 13 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.
- Idem** (9) The provisions of subsections 42 and 43 of section 4 of *The Corporations Tax Act*, as repealed by subsection 7 of section 3 of this Act, section 37 of *The Corporations Tax Act*, as repealed by section 12 of this Act, and subsection 4 of section 62 of *The Corporations Tax Act*, as repealed by section 21 of this Act, apply in respect of fiscal years of corporations ending in 1957 to 1961 and in respect of no other fiscal years.
- Commencement** **25.**—(1) This Act, except section 23, comes into force on the day it receives Royal Assent.

(2) Section 23 shall be deemed to have come into force on *Idem* the 29th day of March, 1961.

26. This Act may be cited as *The Corporations Tax Amend- Short title ment Act, 1961-62.*

The Corporations Tax Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

Mr. ALAN (Haldimand-Norfolk)

BILL 115

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Financial Administration Act

MR. ALLAN (Haldimand-Norfolk)

UNITED STATES DEPARTMENT OF THE TREASURY
BUDGET COMMITTEE

For information of the Committee on the Budget

EXPLANATORY NOTE

The purpose of this Bill is to remove the statutory references to the Budget Committee as its functions are now being performed by the staff of the Treasury Board.

BILL 115

1961-62

An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Financial Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 142, s. 2,
subs. 3,
re-enacted

(3) The Treasurer shall designate an officer of the Treasury Department to be the secretary of the Treasury Board and the Treasurer shall, from among the persons employed in the Treasury Department, provide the Board with such staff as is necessary for the proper conduct of the business of the Board. Secretary,
staff

2. Section 18 of *The Financial Administration Act* is repealed. R.S.O. 1960,
c. 142, s. 18,
repealed

3. Section 30 of *The Financial Administration Act* is amended by striking out "and upon the report of the Budget Committee thereon" in the seventh and eighth lines, so that the section shall read as follows: R.S.O. 1960,
c. 142, s. 30,
amended

30. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it deems proper. Treasury
Board
orders

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Financial Administration Amendment Act, 1961-62*. Short title

An Act to amend
The Financial Administration Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

Mr. Allan (Haldimand-Norfolk)

BILL 115

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Financial Administration Act

MR. ALLAN (Haldimand-Norfolk)

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BILL 115

1961-62

An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Financial Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 142, s. 2,
subs. 3,
re-enacted

(3) The Treasurer shall designate an officer of the Treasury Department to be the secretary of the Treasury Board and the Treasurer shall, from among the persons employed in the Treasury Department, provide the Board with such staff as is necessary for the proper conduct of the business of the Board. Secretary,
staff

2. Section 18 of *The Financial Administration Act* is repealed. R.S.O. 1960,
c. 142, s. 18,
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c. 142, s. 30,
amended

30. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Treasury Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it deems proper. Treasury
Board
orders

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Financial Administration Amendment Act, 1961-62*. Short title

The Financial Administration Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ALAN (Haldimand-Norfolk)

BILL 116

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Public Lands Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. This new section confirms the policy that at least 25 per cent of the remaining public lands that border on bodies of water shall be set aside and preserved for recreational and access purposes.

SECTION 2. Heretofore the annual report of the Department of Lands and Forests has been filed with the Provincial Secretary who submitted it to the Lieutenant Governor in Council and tabled it in the House. The new procedure is set out in the re-enacted section 9.

SECTION 3. This amendment extends the zoning principle to all public lands.

BILL 116

1961-62

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 324,
amended

2a. Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister deems appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister deems appropriate shall be set apart for such purposes. Public
reserves

2. Section 9 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 9,
re-enacted

9. The Minister shall after the close of each fiscal year submit an annual report upon the affairs of the Department to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual
report

3. Subsection 1 of section 15 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 15,
subs. 1,
re-enacted

(1) For the purpose of the management of public lands, the Minister may from time to time establish classes of zones, such as "Open", "Deferred", "Closed" or otherwise as he deems proper, may define the purposes for which public lands of each class may be administered, may cause areas of public lands to be laid down on maps or plans and may designate such areas as zones, and any area of public lands so designated shall be administered only for the purposes defined for the designated class of zone. Zoning
plans

R.S.O. 1960,
c. 324, s. 17,
subs. 1
(1960-61,
c. 81, s. 1,
subs. 1),
re-enacted

4.—(1) Subsection 1 of section 17 of *The Public Lands Act*, as re-enacted by subsection 1 of section 1 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Regulations
re sale or
lease of
public lands

(1) The Lieutenant Governor in Council may make regulations,

(a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;

(b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 2 of section 25 and prescribing the fee therefor.

Terms and
conditions
of sale
or lease

(1a) The Minister may fix such terms and conditions of sale or lease as he deems proper in addition to those required under subsection 1.

R.S.O. 1960,
c. 324, s. 17,
subs. 3a
(1960-61,
c. 81, s. 1,
subs. 2),
re-enacted

(2) Subsection 3a of the said section 17, as enacted by subsection 2 of section 1 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Subsequent
sale or
lease

(3a) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as he deems proper.

R.S.O. 1960,
c. 324, s. 25,
amended

5. Section 25 of *The Public Lands Act* is amended by adding thereto the following subsection:

Extension
of time

(2) The Minister may, upon payment of the prescribed fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations.

R.S.O. 1960,
c. 324, s. 26,
subs. 1,
re-enacted

6.—(1) Subsection 1 of section 26 of *The Public Lands Act* is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section, "lands" means public lands and includes public lands covered with water.

Mode of
obtaining
possession
of public
lands

(1a) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which he was permitted to occupy or was entrusted

SECTIONS 4 and 5. These provisions govern the sale and lease of public lands and authorize supplemental regulations.

SECTION 6. The amendments strengthen the procedures for obtaining possession of Crown lands occupied without authority.

SECTION 7. This new section provides that use of a public beach for travel is not sufficient to make it a highway.

SECTION 8. Section 73 of the Act which provides that the Crown becomes the owner of one-quarter of land subdivided within 5 years of the Crown grant is strengthened.

with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply by way of originating notice of motion to a judge of the county or district court of the county or district in which any part of the lands is situate for an order for possession, and the judge, upon proof to his satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority shall make an order requiring him to deliver up the lands to the Minister.

- (1b) Where a person is in possession or occupation of *Idem* lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his warrant require such person to deliver up the lands to the person named in the warrant and he may by his warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom.

- (1c) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister. *Building or thing remaining on lands*

- (2) Subsection 4 of the said section 26 is repealed.

R.S.O. 1960,
c. 324, s. 26,
subs. 4,
repealed

7. *The Public Lands Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 324,
amended

- 67a. Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act.

Travel on beaches

8. Section 73 of *The Public Lands Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 324, s. 73,
re-enacted

- 73.—(1) In this section, "lot" includes block, parcel or any other designation given to an area of land. *Interpretation*

Right of
Crown to
one-quarter
of lots

- (2) Subject to subsection 6, where public lands that have been disposed of by the Crown under this or any other Act are surveyed, subdivided and shown as lots on a plan to be deposited, filed or registered under any Act and the plan is signed by or on behalf of the owner of the land shown on the plan within five years of the issue of the letters patent granting the land, one-quarter in acreage of all the lots shown on the plan become the property of and are vested in the Crown and are public lands within the meaning of this Act upon the depositing, filing or registration of the plan.

Manner of
selection

- (3) In cases under subsection 2, the Minister may make such selection of the lots on the plan as he and the person by whom the plan is to be registered agree upon, or the Minister may first select one lot and such person shall then select three lots and so on in turn, the Minister selecting one and such person three until the division is made.

Selection
made
deemed
to be one-
quarter of
lots

- (4) The selection made under subsection 3 shall comprise as nearly as may be one-quarter in acreage of all the lots on the plan, and, for the purpose of subsection 2, the selection so made shall be deemed to comprise one-quarter in acreage of such lots.

Certificate
of Minister
as to
selection

- (5) In cases under subsection 3, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

I hereby certify that, pursuant to subsection 3 of section 73 of *The Public Lands Act*, I have selected

..... from all the lots on this plan.
(lots)

Dated at Toronto, this..... day of.....,

19.....

.....
Minister of Lands and Forests

Commuta-
tion

- (6) The Minister, with the approval of the Lieutenant Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots on the plan.

Certificate
of Minister
as to money
payment

- (7) In cases under subsection 6, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

Pursuant to subsection 6 of section 73 of *The Public Lands Act*, the Lieutenant Governor in Council

by his Order No....., dated the....day

of....., 19....., has approved the acceptance of a money payment in lieu of one-quarter in acreage of all lots on this plan.

Dated at Toronto, this....day of.....,

19.....

.....
Minister of Lands and Forests

- (8) No plan to which this section applies shall be deposited, filed or registered until the Minister has approved the plan and, in approving such a plan, regard shall be had to the price paid to the Crown for the land, the purpose for which the land was purchased from the Crown, the purpose for which the land is being subdivided and such other matters as the Minister considers advisable in the public interest and in granting approval the Minister may impose such conditions as in his opinion are advisable. ^{Approval of plan}
- (9) No plan to which this section applies and no instrument referring thereto shall be deposited, filed or registered in any land titles or registry office until a certificate under subsection 5 or 7 and the approval of the Minister under subsection 8 are endorsed on the plan. ^{Condition precedent to registration}
- (10) In cases under subsection 3, the local master of titles or the registrar of deeds, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots mentioned in the certificate endorsed thereon. ^{Entry of Crown as owner}
- (11) Nothing in this section affects any right in mines or minerals. ^{Mines and minerals}
9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
10. This Act may be cited as *The Public Lands Amendment Act, 1961-62*. ^{Short title}

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

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ALL ACTS TO AMEND
The Public Lands Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. SPOONER

BILL 116

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Public Lands Act

MR. SPOONER

THE HOUSE OF REPRESENTATIVES
 1907-1908

to be in accord with the Public Lands Act

THE HOUSE

BILL 116

1961-62

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 324
amended

2a. Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister deems appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister deems appropriate shall be set apart for such purposes. Public
reserves

2. Section 9 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 9,
re-enacted

9. The Minister shall after the close of each fiscal year submit an annual report upon the affairs of the Department to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual
report

3. Subsection 1 of section 15 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 15,
subs. 1,
re-enacted

(1) For the purpose of the management of public lands, the Minister may from time to time establish classes of zones, such as "Open", "Deferred", "Closed" or otherwise as he deems proper, may define the purposes for which public lands of each class may be administered, may cause areas of public lands to be laid down on maps or plans and may designate such areas as zones, and any area of public lands so designated shall be administered only for the purposes defined for the designated class of zone. Zoning
plans

R.S.O. 1960,
c. 324, s. 17,
subs. 1
(1960-61,
c. 81, s. 1,
subs. 1),
re-enacted

4.—(1) Subsection 1 of section 17 of *The Public Lands Act*, as re-enacted by subsection 1 of section 1 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Regulations
re sale or
lease of
public lands

(1) The Lieutenant Governor in Council may make regulations,

- (a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;
- (b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 2 of section 25 and prescribing the fee therefor.

Terms and
conditions
of sale
or lease

(1a) The Minister may fix such terms and conditions of sale or lease as he deems proper in addition to those required under subsection 1.

R.S.O. 1960,
c. 324, s. 17,
subs. 3a
(1960-61,
c. 81, s. 1,
subs. 2),
re-enacted

(2) Subsection 3a of the said section 17, as enacted by subsection 2 of section 1 of *The Public Lands Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Subsequent
sale or
lease

(3a) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as he deems proper.

R.S.O. 1960,
c. 324, s. 25,
amended

5. Section 25 of *The Public Lands Act* is amended by adding thereto the following subsection:

Extension
of time

(2) The Minister may, upon payment of the prescribed fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations.

R.S.O. 1960,
c. 324, s. 26,
subs. 1,
re-enacted

6.—(1) Subsection 1 of section 26 of *The Public Lands Act* is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section, "lands" means public lands and includes public lands covered with water.

Mode of
obtaining
possession
of public
lands

(1a) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which he was permitted to occupy or was entrusted

with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply by way of originating notice of motion to a judge of the county or district court of the county or district in which any part of the lands is situate for an order for possession, and the judge, upon proof to his satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority, shall make an order requiring him to deliver up the lands to the Minister.

- (1b) Where a person is in possession or occupation of ^{Idem} lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his warrant require such person to deliver up the lands to the person named in the warrant and he may by his warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom.

- (1c) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister. ^{Building or thing remaining on lands}

- (2) Subsection 4 of the said section 26 is repealed.

R.S.O. 1960,
c. 324, s. 26,
subs. 4,
repealed

7. *The Public Lands Act* is amended by adding thereto the following section: <sup>R.S.O. 1960
c. 324,
amended</sup>

- 67a. Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act. ^{Travel on beaches}

8. Section 73 of *The Public Lands Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960,
c. 324, s. 73,
re-enacted</sup>

- 73.—(1) In this section, "lot" includes block, parcel or any other designation given to an area of land. <sup>Interpre-
tation</sup>

Right of
Crown to
one-quarter
of lots

- (2) Subject to subsection 6, where public lands that have been disposed of by the Crown under this or any other Act are surveyed, subdivided and shown as lots on a plan to be deposited, filed or registered under any Act and the plan is signed by or on behalf of the owner of the land shown on the plan within five years of the issue of the letters patent granting the land, one-quarter in acreage of all the lots shown on the plan become the property of and are vested in the Crown and are public lands within the meaning of this Act upon the depositing, filing or registration of the plan.

Manner of
selection

- (3) In cases under subsection 2, the Minister may make such selection of the lots on the plan as he and the person by whom the plan is to be registered agree upon, or the Minister may first select one lot and such person shall then select three lots and so on in turn, the Minister selecting one and such person three until the division is made.

Selection
made
deemed
to be one-
quarter of
lots

- (4) The selection made under subsection 3 shall comprise as nearly as may be one-quarter in acreage of all the lots on the plan, and, for the purpose of subsection 2, the selection so made shall be deemed to comprise one-quarter in acreage of such lots.

Certificate
of Minister
as to
selection

- (5) In cases under subsection 3, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

I hereby certify that, pursuant to subsection 3 of section 73 of *The Public Lands Act*, I have selected

..... from all the lots on this plan.
(lots)

Dated at Toronto, this.....day of.....,

19.....

.....
Minister of Lands and Forests

Commuta-
tion

- (6) The Minister, with the approval of the Lieutenant Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots on the plan.

Certificate
of Minister
as to money
payment

- (7) In cases under subsection 6, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

Pursuant to subsection 6 of section 73 of *The Public Lands Act*, the Lieutenant Governor in Council

by his Order No....., dated the....day
of....., 19....., has approved the
acceptance of a money payment in lieu of one-quarter
in acreage of all lots on this plan.

Dated at Toronto, this....day of.....,
19.....

.....
Minister of Lands and Forests

- (8) No plan to which this section applies shall be deposited, filed or registered until the Minister has approved the plan and, in approving such a plan, regard shall be had to the price paid to the Crown for the land, the purpose for which the land was purchased from the Crown, the purpose for which the land is being subdivided and such other matters as the Minister considers advisable in the public interest and in granting approval the Minister may impose such conditions as in his opinion are advisable. ^{Approval of plan}
- (9) No plan to which this section applies and no instrument referring thereto shall be deposited, filed or registered in any land titles or registry office until a certificate under subsection 5 or 7 and the approval of the Minister under subsection 8 are endorsed on the plan. ^{Condition precedent to registration}
- (10) In cases under subsection 3, the local master of titles or the registrar of deeds, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots mentioned in the certificate endorsed thereon. ^{Entry of Crown as owner}
- (11) Nothing in this section affects any right in mines or minerals. ^{Mines and minerals}
- 9.** This Act comes into force on the day it receives Royal Assent. ^{Commencement}
- 10.** This Act may be cited as *The Public Lands Amendment Act, 1961-62*. ^{Short title}

The Public Lands Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 18th, 1962

MR. SPOONER

BILL 117

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Regulations Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

ORDONNANCE DU ROY EN VERTU DE LAQUELLE
IL A ÉTÉ DÉCRÉTÉ QUE

EXPLANATORY NOTE

The Bill exempts the orders mentioned in section 1 from the application of *The Regulations Act*. The one exception is orders under *The Department of Municipal Affairs Act* designating municipalities to which the tax arrears procedures of that Act apply instead of the tax sales procedures under *The Assessment Act*.

BILL 117

1961-62

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Regulations Act*, as amended by section 1 of *The Regulations Amendment Act, 1960-61*, is further amended by striking out "or" at the end of subclause iv, by adding "or" at the end of subclause v and by adding thereto the following subclause:

R.S.O. 1960,
c. 349, s. 1,
cl. d,
amended

- (vi) an order, approval, regulation, prescription, direction or instruction of the Minister of Municipal Affairs or the Department of Municipal Affairs that the Minister or the Department is empowered to give or make under *The Municipal Act* or under *The Department of Municipal Affairs Act*, except clause *b* of section 13 thereof.

R.S.O. 1960,
cc. 249, 981

2. No order, approval, regulation, prescription, direction or instruction made before this Act comes into force and referred to in subclause vi of clause *d* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that it was not filed or published as required by *The Regulations Act*.

Existing
order valid

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Regulations Amendment Act, 1961-62*.

Short title

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 117

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Regulations Act

MR. ROBERTS

BILL 117

1961-62

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Regulations Act*, as amended ^{R.S.O. 1960, c. 349, s. 1, cl. 4, amended} by section 1 of *The Regulations Amendment Act, 1960-61*, is further amended by striking out "or" at the end of subclause iv, by adding "or" at the end of subclause v and by adding thereto the following subclause:

- (vi) an order, approval, regulation, prescription, direction or instruction of the Minister of Municipal Affairs or the Department of Municipal Affairs that the Minister or the Department is empowered to give or make under *The Municipal Act* or under *The Department of Municipal Affairs Act*, except clause *b* of section 13 thereof. ^{R.S.O. 1960, cc. 249, 98}

2. No order, approval, regulation, prescription, direction or instruction made before this Act comes into force and referred to in subclause vi of clause *d* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that it was not filed or published as required by *The Regulations Act*. ^{Existing order valid}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Regulations Amendment Act, 1961-62*. ^{Short title}

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 118

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Private Investigators Act

MR. ROBERTS

AN ACT TO AMEND THE POLICE ACT AND
TO REPEAL THE POLICE ACT, 1961

ENACTED BY THE LEGISLATURE OF
THE PROVINCE OF ONTARIO

EXPLANATORY NOTE

This Bill is complementary to *The Police Amendment Act, 1961-62* that substituted the title "Commissioner of the Ontario Provincial Police Force" for the title "Commissioner of Police for Ontario".

Bill 318

BILL 118

1961-62

An Act to amend The Private Investigators Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Private Investigators Act* is amended by striking out "Commissioner of Police for Ontario" in the first and second lines and inserting in lieu thereof "Commissioner of the Ontario Provincial Police Force", so that the clause shall read as follows:

R.S.O. 1960,
c. 306, s. 1,
cl. *a*,
amended

(a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Private Investigators Amendment Act, 1961-62*.

Short title

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 118

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Private Investigators Act

MR. ROBERTS

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ROYAL ANTHROPOLOGICAL INSTITUTE

BILL 118

1961-62

An Act to amend The Private Investigators Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Private Investigators Act* is amended by striking out "Commissioner of Police for Ontario" in the first and second lines and inserting in lieu thereof "Commissioner of the Ontario Provincial Police Force", so that the clause shall read as follows:

R.S.O. 1960,
c. 306, s. 1,
cl. *a*,
amended

(a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Private Investigators Amendment Act, 1961-62*.

Short title

The Private Investigators Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 119

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mortgage Brokers Registration Act

MR. ROBERTS

EXPLANATORY NOTE

At the present time persons who are registered as real estate brokers under *The Real Estate and Business Brokers Act* and who also carry on business as mortgage brokers must, upon application therefor and payment of the fee, become registered under *The Mortgage Brokers Registration Act*.

The purpose of this Bill is to relieve such persons from the necessity of applying and paying the fee for registration under the latter Act.

BILL 119

1961-62

An Act to amend The Mortgage Brokers Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 244,
amended

13a. Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. Registered
real estate
brokers
deemed
registered
mortgage
brokers

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1961-62*. Short title

The Mortgage Brokers Registration Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 119

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

*An Act to amend
The Mortgage Brokers Registration Act*

MR. ROBERTS

THE BOARD OF INVESTIGATION
1911-1912

The Board of Investigation
in Act to amend

the Board

BILL 119

1961-62

**An Act to amend
The Mortgage Brokers Registration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgage Brokers Registration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 244,
amended

13a. Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. Registered
real estate
brokers
deemed
registered
mortgage
brokers

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1961-62*. Short title

The Mortgage Brokers Registration Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 120

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Land Titles Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The definition is expanded in order to give a more precise meaning to the word, thus distinguishing this type of regulation from other types of regulations under the Act.

SECTION 2. The section is brought up to date and is re-designed to facilitate future additions to the system.

BILL 120

1961-62

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*,
re-enacted

(*k*) "regulations" in Part VIII means the code of standards and procedure for surveys and plans prescribed by the regulations made under section 172*a*.

2. Section 2 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
re-enacted

2.—(1) This Act applies to,

Application
of Act to
districts
and counties

- (*a*) every provisional judicial district, including every local municipality in a provisional judicial district;
- (*b*) the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto;
- (*c*) the County of Elgin, including every local municipality in the County;
- (*d*) the County of Ontario, including every local municipality in the County;
- (*e*) the County of Carleton, including every local municipality in the County;
- (*f*) the County of Lincoln, including every local municipality in the County;

(g) the United Counties of Prescott and Russell, including every local municipality in the United Counties;

(h) the County of Halton, including every local municipality in the County,

and such other counties, cities and separated towns to which this Act is extended under section 3.

Continuation of registry offices

(2) The registry offices heretofore established for the provisional judicial districts and for the counties and cities to which this Act applies are continued.

R.S.O. 1960, c. 204, s. 5, amended

3.—(1) Section 5 of *The Land Titles Act* is amended by adding thereto the following subsection:

Saving

(2a) Subsections 1 and 2 do not apply to any county, city or town, except the County of York including The Municipality of Metropolitan Toronto, until such time as the Lieutenant Governor in Council so orders.

R.S.O. 1960, c. 204, s. 5, subs. 6, repealed

(2) Subsection 6 of the said section 5 is repealed.

R.S.O. 1960, c. 204, s. 7, subs. 2, 3, re-enacted; subs. 4, repealed

4. Subsections 2, 3 and 4 of section 7 of *The Land Titles Act* are repealed and the following substituted therefor:

Deputy director of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy of the director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act administered by the director of titles.

Assistant deputy directors of titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act administered by the director of titles as the director of titles directs.

R.S.O. 1960, c. 204, s. 8, subs. 2, re-enacted

5.—(1) Subsection 2 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of director

(2) In addition to the powers and duties prescribed by this Act and by the rules and regulations, the

SECTION 3. The new provision 2a is designed to facilitate the extension of the Act and to simplify provincial-municipal financial arrangements as is now the case with respect to registry offices.

Subsection 6 is obsolete and is therefore repealed.

SECTION 4. These amendments extend the authority of the deputy director of titles and the assistant deputy directors of titles.

SECTION 5. These amendments are designed to facilitate administration.

SECTION 6. The five-year requirement is deleted.

SECTION 7. This new section clarifies the status and functions of deputies of local masters of titles.

director of titles may instruct and advise the proper master of titles in respect of the manner in which he shall perform any particular act.

(2) The said section 8 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 8,
amended

(8) Any order of the director of titles shall, upon his request, be registered, without fee, by the proper master of titles, who shall make such entries in or amendments to the register of the title of the land affected by the order as may be required by the director in his order. Registration
of order of
director

(9) Where a dispute arises with respect to any fee payable under this Act to the proper master of titles which cannot be settled by him to the satisfaction of the person by whom the fee is payable in the first instance, the proper master of titles shall immediately notify the director of titles of the dispute, and thereupon the director shall determine the amount of the fee to be paid, taking into account any unusual circumstance, and he is not bound by the prescribed schedule of fees, and the written decision of the director thereupon is final but subject to appeal by such person, as provided by section 29, if notice of the appeal is served upon the proper master of titles within fifteen days after receipt by such person of the decision. Disputes as
to fees

6. Subsection 2 of section 9 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 9,
subs. 2,
re-enacted

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the senior deputy of the master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy of the master of titles has and may exercise and perform the powers and duties of the master of titles. Senior
deputy
master of
titles

7. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a local master of titles who shall act under the supervision of the local master of titles, and the deputy, or, where more than Appoint-
ment of
deputy of
local master
of titles

one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles in the absence of the local master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the local master of titles.

Death or
resignation
of local
master of
titles

- (2) When a local master of titles dies or resigns, the deputy, or, where more than one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles until a local master of titles is appointed.

R.S.O. 1960,
c. 204, s. 12,
subs. 2,
amended

8. Subsection 2 of section 12 of *The Land Titles Act* is amended by inserting after "appointed" in the first line "under subsection 3 of section 5", so that the subsection shall read as follows:

Qualifica-
tions

- (2) The person appointed under subsection 3 of section 5 may, in the discretion of the Lieutenant Governor in Council, be a judge of a county or district court, a barrister or a solicitor, whether practising or not, or a registrar or a deputy local master of titles having five years practice in a land titles office.

R.S.O. 1960,
c. 204, s. 28,
subs. 1,
amended

9. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after "a" in the third line "certified", so that the subsection shall read as follows:

Court order
to be
obeyed

- (1) Officers appointed under this Act shall obey the order of any competent court in relation to registered land on being served with the order or a certified copy thereof.

R.S.O. 1960,
c. 204, s. 33,
subs. 5,
re-enacted

10. Subsection 5 of section 33 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of Crown
as owner

- (5) Subject to subsection 4 of section 47 and to section 48, the proper master of titles may, upon an application made by or on behalf of any minister of the government of Canada or Ontario, register under this Act any land claimed to be owned by Her Majesty the Queen in right of Canada or Ontario, as the case may be, notwithstanding that the land had not previously been granted by the Crown.

R.S.O. 1960,
c. 204, s. 34,
subs. 1,
re-enacted

- 11.—(1) Subsection 1 of section 34 of *The Land Titles Act* is repealed and the following substituted therefor:

Application
by municipal
council

- (1) The council of any municipality to which this Act applies may by by-law authorize an application to

SECTION 8. The intent is clarified by the insertion of the reference.

SECTIONS 9 and 10. These amendments make statutory the existing practices.

SECTION 11. These amendments are designed to expedite administration.

SECTION 12. The intent is clarified.

SECTION 13. The provision repealed is being transferred to a more appropriate place in the Act.

SECTION 14. The existing practice is made statutory.

be made to the proper master of titles to have any land that is within the municipality registered under this Act.

(2) The said section 34 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 34,
amended

- (6) The proper master of titles shall not proceed with an application under this section without the consent of the director of titles. Consent of
director
- (7) The Lieutenant Governor in Council may determine the amount of fees to be paid to the proper master of titles and to the director of titles on an application under this section. Registration
fees
- (8) Notwithstanding section 60, the Lieutenant Governor in Council may determine the amount to be paid into The Land Titles Assurance Fund by a municipality on an application under this section, and the amount shall be deemed to be costs of the application for the purposes of subsection 3. Payment to
Assurance
Fund
- (9) The Attorney General may apply under this section as agent of the owners and other persons having interests in any land designated by him that is not within a municipality, and subsections 2, 3, 4, 5, 7 and 8 apply *mutatis mutandis*. Application
by Attorney
General
where land
not in a
municipality

12. Section 40 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 40,
re-enacted

- 40.—(1) Where on an application for first registration it appears that the applicant is so entitled by virtue of length of possession of the land, he may be registered as the owner of the land with a possessory title. Possessory
title may be
registered
- (2) Subject to the approval of the director of titles, an applicant for first registration whose claim to ownership is based upon length of possession of the land may be registered as the owner in fee simple with an absolute title of the land. Absolute
title based on
possession

13. Subsection 3 of section 41 of *The Land Titles Act* is repealed. R.S.O. 1960,
c. 204, s. 41,
subs. 3,
repealed

14. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

Notice

44a. A notice of an application for first registration is sufficiently served upon an owner, mortgagee or chargee, or his assignee, of land adjoining the land of or claimed by the applicant for first registration if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of this Act or section 45 of *The Registry Act*, or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge or assignment thereof under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land.

R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 204, s. 51,
subs. 1,
par. 11,
re-enacted

15.—(1) Paragraph 11 of subsection 1 of section 51 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296

11. Section 26 of *The Planning Act* in respect of any by-law passed thereunder which affects registered land not within a registered plan of subdivision where a copy of the by-law has been deposited under subsection 8 of that section and the other requirements of that section have been complied with, but this paragraph does not apply to land in a subdivision plan area under section 154 or to land shown on a composite plan under section 155.

R.S.C. 1952,
c. 234

12. Where the registered owner is or a previous registered owner was a railway company, any interest which may be or may have been created by any instrument deposited in the office of the Secretary of State of Canada under section 139 of the *Railway Act* (Canada), but, where the previous registered owner was a railway company, this paragraph does not apply to a subsequent registered owner, except a railway company, unless a note of the previous ownership of the land by the railway company has been entered in the title register.

R.S.O. 1960,
c. 204, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsections:

Where owner
of adjoining
land has
no right

(3) A parcel of land registered under this Act is not subject to paragraph 3 of subsection 1 if a notice of the application for first registration that contained an accurate description of the parcel, or of a former larger parcel of which the parcel is a part, was served upon the person who at the time of giving the notice

SECTION 15—Subsection 1. Paragraph 11 is re-enacted in order to bring it into line with *The Planning Act*.

Paragraph 12 will give constructive notice of a provision in the *Railway Act* (Canada) under which certain instruments charging land are enforceable although not registered.

Subsection 2. Subsection 3 limits the effect of paragraph 3 of subsection 1.

Subsection 4 limits the effect of paragraph 6 of subsection 1.

Subsection 5 protects registered land against certain unregistered orders under *The Planning Act*.

Subsection 6 makes statutory the existing practice.

SECTION 16. Subsection 1 is the former section 41 (3) transferred to a more appropriate place in the Act.

Subsection 2 reflects the existing practice.

was the owner, mortgagee, chargee or purchaser, or his assignee, under a registered instrument of adjoining land and no objection to the first registration was filed with the proper master of titles within the time allowed by the notice.

- (4) Paragraph 6 of subsection 1 does not confer upon a person claiming a mechanic's lien any greater right than he would have if the land were registered under *The Registry Act*. Application of subs. 1, par. 6
R.S.O. 1960, c. 348
- (5) No order made under clause *b* of subsection 1 of section 27 of *The Planning Act* affects the title of an owner of registered land or the interest of any person therein as appearing in the register unless a copy of the order has been deposited or registered in the manner required for the deposit or registration of by-laws under subsections 8 and 9 of *The Planning Act* before the registration of the transfer or other instrument under which ownership or another interest was acquired. Effect of non-registration under R.S.O. 1960, c. 296, s. 27, subs. 1, cl. 6
- (6) The title of the registered owner for the time being of land or of a charge is subject to enforceable writs of execution against him that have been recorded under section 145, but no writ of execution against a prior registered owner is enforceable in respect of the land unless a note of such writ has been entered in the title register. Writs of execution

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

- 52a.—(1) The registration of a person as first registered owner with a qualified title has the same effect as the registration of such person with an absolute title, except that registration with a qualified title does not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted. Estate of owner registered with a qualified title
- (2) The registered owner of land with a qualified title may at any time apply to the proper master of titles to be registered as owner of the land with an absolute title, but the applicant shall not be so registered unless the director of titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement, or unless a bond or covenant is furnished as provided by subsection 11 of section 60. Change from qualified title to absolute title

R.S.O. 1960,
c. 204, s. 60,
subs. 1,
amended

17.—(1) Subsection 1 of section 60 of *The Land Titles Act* is amended by inserting after “fund” in the first line “to be known as The Land Titles Assurance Fund”, so that the subsection shall read as follows:

Land Titles
Assurance
Fund

- (1) An assurance fund, to be known as The Land Titles Assurance Fund, shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud, or by reason of a misdescription, omission or other error in a certificate of ownership of land or of a charge or in an entry on the register.

R.S.O. 1960,
c. 204, s. 60,
subs. 5,
amended

(2) Subsection 5 of the said section 60 is amended by striking out “Assurance Fund under *The Land Titles Act*” in the fourth and fifth lines and inserting in lieu thereof “The Land Titles Assurance Fund Account”, so that the subsection shall read as follows:

To be paid
into court
and invested

- (5) Subject to the rules, moneys payable under this section shall be paid into court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account entitled “The Land Titles Assurance Fund Account” and, subject to subsection 6, shall be invested from time to time under the direction of the court, and the interest or income derived therefrom shall be credited to the same account.

R.S.O. 1960,
c. 204, s. 60,
subs. 7,
re-enacted

(3) Subsection 7 of the said section 60 is repealed and the following substituted therefor:

No fee for
direction

- (7) No fee is payable for a direction to receive the amount to be paid into the Assurance Fund.

R.S.O. 1960,
c. 204, s. 60,
amended

(4) The said section 60 is amended by adding thereto the following subsection:

Contribution
on registra-
tion of
newly-
patented
land

- (12) Notwithstanding subsection 2, the amount payable into the Assurance Fund on the registration of newly-patented land under section 35 or 36 is \$1, irrespective of the amount paid to the Crown for the land, but a patentee of land mentioned under section 64 may pay an additional amount under section 61, as though he were a person taking a transfer.

R.S.O. 1960,
c. 204, s. 62,
amended

18.—(1) Section 62 of *The Land Titles Act* is amended by adding thereto the following subsection:

SECTION 17—Subsections 1 and 2. These amendments give the assurance fund under the Act a specific name to distinguish it from the assurance fund under *The Certification of Titles Act*.

Subsection 3. The provision is brought into line with practice.

Subsection 4. This provision is new. It provides for the payment into The Land Titles Assurance Fund of \$1 on registrations of newly-patented lands.

SECTION 18. This new provision will require interest on The Land Titles Assurance Fund in respect of a year to be paid into the Consolidated Revenue Fund in the next following year.

SECTION 19. An obsolete reference to certain rules is deleted.

SECTION 20. The section is re-enacted in order to bring it into line with existing practice.

SECTION 21. This section is designed to complement and clarify section 74 of the Act.

- (5) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, pay over to the Treasurer of Ontario to the credit of the Consolidated Revenue Fund the amount of interest that was credited to The Land Titles Assurance Fund during the calendar year first mentioned. Interest
on Fund

(2) The first payment under subsection 5 of the said section 62, as enacted by subsection 1, shall be made so soon as may be after the 1st day of June, 1962. First
payment

19. Subsection 1 of section 66 of *The Land Titles Act* is amended by striking out "subject to the rules respecting the number of persons to be registered in respect of the same land" in the fifth, sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 204, s. 66,
subs. 1,
amended

- (1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land may apply to the proper master of titles to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered. Registration
of part
owners

20. Section 70 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 70,
re-enacted

- 70.—(1) Where registered land is transferred to trustees under *The Religious Institutions Act*, they shall be registered in their corporate name without setting out the purposes or trusts on which the land is held. Registration
of trustees
under
R.S.O. 1960,
c. 351

- (2) A person who has been appointed as a trustee under the *Bankruptcy Act* (Canada) or under any other Act of Canada or Ontario or by the court, upon proof of his entitlement satisfactory to the proper master of titles, may be registered as the owner of registered land or of an interest therein; and he may transfer the same upon proof of compliance with the Act or order under which he was appointed. Registration
of other
trustees
R.S.C. 1952,
c. 14

21. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

Meaning of
"vest" or
"belong"

74a.—(1) Where by an order of a court of competent jurisdiction or where by virtue of the operation of an Act of Canada or Ontario registered land or any interest therein is stated by the order or Act to vest, be vested or become vested in, or belong to, the Crown in right of Canada or Ontario or any person other than the registered owner of the land, the registered owner shall be deemed for the purposes of this Act to remain the owner thereof,

(a) until an application to be registered as owner is made by or on behalf of the Crown or other person in or to whom the land is stated to be vested or to belong; or

(b) until the land is transferred to the Crown or person by the registered owner, as the case may be, in accordance with the order or Act.

Saving
R.S.O. 1960,
c. 171

(2) Subsection 1 does not apply to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act.

R.S.O. 1960,
c. 204, s. 77,
amended

22. Section 77 of *The Land Titles Act* is amended by adding thereto the following subsections:

Department
of Highways
register

(2) For the purposes of subsection 1, the Department of Highways register mentioned in clause *b* of subsection 1 of section 172 shall be deemed to be a book kept for the entry of instruments.

Trans-
Canada
Pipe Line
register

(3) Subject to the rules, the Trans-Canada Pipe Line register established under clause *b* of subsection 1 of section 172 shall be deemed to be a register of the title of land or interests therein, including easements, owned by Trans-Canada Pipe Lines Limited or Northern Ontario Pipe Line Crown Corporation for the purposes of this Act.

R.S.O. 1960,
c. 204,
amended

23. *The Land Titles Act* is amended by adding thereto the following sections:

Amendment
of register

79a. Upon the application of the registered owner, any entry in the register of his title may be amended by the proper master of titles to reflect the effect of other statutes or orders of the court or a change in the name of the owner, or such other changes as have occurred in fact.

SECTION 22. These new subsections are designed to clarify the effect of the registration of highway plans and pipe line plans.

SECTIONS 23 and 24. These new provisions bring the Act into line with existing practices.

79b. In respect of the first registration of land or any subsequent registration of an instrument under this Act, the proper master of titles may require such proof as he considers sufficient, or as is prescribed by the director of titles, of compliance with any Act of Canada or Ontario that if not complied with would affect the title of the first registered owner or the title or interest of the person taking under the subsequent instrument. Proof of compliance with other statutes

79c.—(1) Except as otherwise provided by this Act, every instrument presented for registration by which, when registration thereof is completed, an interest in registered land is created, transferred or terminated shall be deemed to be an application to the proper master of titles to amend the registered title of the land mentioned therein. Instruments deemed applications to amend register

(2) A plan, certificate, order or by-law made under an Act of Canada or Ontario, which when registered has the effect of transferring, vesting or forfeiting registered land or an interest therein in or to the Crown, a municipal corporation or other public body or a trustee appointed under such an Act, shall be deemed to be an instrument for the purposes of subsection 1. Idem

(3) An agreement or lease or other instrument in respect of which no provision is made by this Act for registration but which is filed in support of or mentioned in a caution, notice of lease or other notice authorized by this Act shall be deemed not to be registered nor to be an instrument for the purposes of subsection 1. Certain instruments not within subs. 1

24. Section 81 of *The Land Titles Act* is amended by adding at the end thereof "but this section does not apply to the execution of a transfer or charge by a corporation", so that the section shall read as follows: R.S.O. 1960, c. 204, s. 81, amended

81. Notwithstanding any statute or rule of law, a charge or transfer of registered land may be duly made by an instrument not under seal and, if so made, the instrument and every agreement, stipulation and condition therein has the same effect for all purposes as if made under seal, but this section does not apply to the execution of a transfer or charge by a corporation. Charges and transfers may be made without seal

25. Section 83 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 83, amended

Application
of subs. 1

- (2) In subsection 1, "registered owner" means the registered owner of freehold or leasehold land or of a charge.

R.S.O. 1960,
c. 204, s. 91,
re-enacted

26. Section 91 of *The Land Titles Act* is repealed and the following substituted therefor:

Interpre-
tation

91.—(1) In this section,

- (a) "owner to uses" means a transferee registered under a transfer to uses;
- (b) "transfer to uses" means a transfer expressed to be given to such uses as the transferee may appoint by transfer, charge or will;
- (c) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Transfer to
uses may be
registered

- (2) A transfer to uses may be registered.

Exercise of
power of
appointment

- (3) An owner to uses may exercise his power of appointment by a transfer or charge in the prescribed form or by his will.

Charge does
not exhaust
power

- (4) An appointment by way of charge by an owner to uses does not exhaust his power of appointment.

Effect of
cessation of
charge

- (5) Notwithstanding the registration of a cessation of a charge,

- (a) which was made by way of appointment by the owner to uses; or
- (b) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the charge had not been made.

Effect of
default of
appointment

- (6) An owner to uses who dies without having exercised his power of appointment by transfer, charge or will shall be deemed to have appointed the land by way of transfer to himself immediately before his death.

Idem

- (7) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of charge and who dies without having appointed by way of transfer or will shall be

Section 26. The intent of the section is clarified.

SECTION 26. The intent of the section is clarified.

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SECTION 27. This section is a transfer to the Act in a revised form of a provision that heretofore has appeared in the rules.

deemed to have appointed the unencumbered interest in the land by way of transfer to himself immediately before his death.

- (8) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses. No inchoate dower right

- (9) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death. Where widow entitled to dower

27. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

- 91a.—(1) A transfer or charge in which the transferee or chargee is a corporation, other than a municipal corporation or a corporation that was incorporated by an Act of Canada or Ontario, shall not be registered unless, Registration of letters patent of incorporation

(a) the letters patent of incorporation of the corporation; or

(b) a licence under which the corporation is empowered to hold land in Ontario,

or a notarial copy thereof, is registered in the companies register or other register kept in the office of land titles for the registration of such instruments.

- (2) Where the name of a corporation within the purview of subsection 1 has been changed or where the corporation has been amalgamated with or absorbed by another corporation, the letters patent effecting the change, or a notarial copy thereof, shall be registered before the registration of any transfer or charge given by or to the changed corporation. Supplementary letters patent

- (3) A transfer or charge in which the transferee or chargee is a corporation that was incorporated by an Act of Canada or Ontario shall not be registered until the proper master of titles is satisfied of the fact of such incorporation. Where incorporation by special Act

- (4) A transfer or charge in which the transferee or chargee is a corporation, other than a corporation that was incorporated by or under an Act of Ontario or Licence to hold land

Quebec, shall not be registered, unless the licence under which the corporation is empowered to hold land in Ontario, or a notarial copy thereof, is registered under subsection 1 or unless the corporation is permitted by law to own land or charges on land in Ontario without a licence.

Compared
copy of
letters
patent

- (5) The proper master of titles may register a copy compared by him with the original letters patent in lieu of a notarial copy thereof.

R.S.O. 1960,
c. 204, s. 97,
amended

28. Section 97 of *The Land Titles Act* is amended by adding thereto the following subsections:

Notices

- (3) A notice to a subsequent encumbrancer or execution creditor shall allow him not less than fifteen days, exclusive of the day upon which the notice was served, during which he may serve upon the proper master of titles and on the chargee intending to exercise his power of sale a notice of intention to redeem the land, and, if the notice of intention is served within the time allowed, the subsequent encumbrancer may redeem the land upon payment in full of all moneys payable under the charge within such period, not less than thirty days from the date of service of the notice of intention to redeem, as may be allowed by the proper master of titles.

Reference to
R.S.O. 1960,
c. 245,
Part II-A

- (4) The requirements of this section are in addition to those in Part II-A of *The Mortgages Act*, and, in case of conflict, this section prevails.

R.S.O. 1960,
c. 204, s. 99,
amended

29. Section 99 of *The Land Titles Act* is amended by adding thereto the following subsection:

Transfer of
charge may
include pro-
vision to
re-transfer

- (8) A charge of a charge shall not be registered, but a charge may be transferred subject to a provision to re-transfer it to the transferor of the charge upon the payment of a sum of money either with or without interest, or upon the performance of any other condition, and, until the charge has been re-transferred, the transferee of the charge shall for the purposes of this Act be deemed to be the absolute owner thereof.

R.S.O. 1960,
c. 204,
s. 109,
subs. 8,
re-enacted

30. Subsection 8 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Priorities
under leases

- (8) Subject to paragraph 4 of subsection 1 of section 51 and except where the person claiming an interest under a lease or agreement for a lease of which interest

SECTION 28. A specific minimum period of time is given. The present common law rule is "within a reasonable time".

SECTION 29. This amendment transfers to the Act the existing practice contemplated by the rules.

SECTION 30. The subsection is re-enacted to bring it into line with the preceding subsection.

SECTION 31. This amendment transfers to the Act a provision heretofore in the rules. Subsection 2 is similar in principle to section 116.

SECTION 32—Subsection 1. The intent of the provision is clarified.

a notice has been registered has actual notice of another interest under the lease or agreement for a lease under another lease or agreement for a lease, the first-mentioned interest under the lease or under the agreement for a lease takes priority over one of which a notice has not been registered.

31. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

120a.—(1) The proper master of titles may issue to any person entitled to inspect the register of title a certificate of search in the prescribed form or in such form as may be authorized by the director of titles. Certificate
of search

(2) A certificate of search is *prima facie* evidence of the matters therein contained. Idem

32.—(1) Subsection 1 of section 122 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 122,
subs. 1,
re-enacted

(1) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. Registration
of conditions
and restric-
tions, on
application

(1a) The proper master of titles may register as annexed to the land a covenant, condition or restriction that is included in a transfer of registered land that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition, restriction or covenant running with or capable of being legally annexed to land. Registration
of covenants,
conditions
and restric-
tions, on
transfer

(1b) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a covenant that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other covenant running with or capable of being legally annexed to land. Registration
of covenants,
on applica-
tion

(1c) A covenant shall not be registered under subsection 1b unless, Idem

- (a) the covenantor is the owner of the land to be burdened by the covenant;
- (b) the covenantee is a person other than the covenantor;
- (c) the covenantee owns land to be benefited by the covenant and that land is mentioned in the covenant; and
- (d) the covenantor signs the application to assume the burden of the covenant.

R.S.O. 1960,
c. 204,
s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsections:

Deletion
from register
after 40
years

- (6) Where a condition, restriction or covenant has been registered as annexed to or running with land and no period or date was fixed for its expiry, the entry of the condition, restriction or covenant may be deleted from the register by the proper master of titles upon an application being made by any person interested in the land at any time after forty years after the condition, restriction or covenant was registered, and the condition, restriction or covenant thereupon ceases to be enforceable.

Effect of
conditions
and restric-
tions

- (7) Where a condition or restriction has been registered as annexed to land, the condition or restriction is as binding upon any person who becomes the registered owner of the land or a part thereof as if the condition or restriction had been in the form of a covenant entered into by the person who was the registered owner of the land at the time of the registration of the condition or restriction.

R.S.O. 1960,
c. 204,
s. 132,
amended

33. Section 132 of *The Land Titles Act* is amended by striking out "daip" in the seventh line and inserting in lieu thereof "paid".

R.S.O. 1960,
c. 204,
s. 135,
subs. 1,
re-enacted

34. Subsection 1 of section 135 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of caution

- (1) A person claiming to have an interest in registered land or in a registered charge of which he is not the registered owner may apply to the proper master of titles for the registration of a caution to the effect that no dealing with the land or charge be had on the part of the registered owner or other

Subsection 2. The new subsection 6 will permit the deletion of certain restrictive covenants that have been registered for more than 40 years.

The new subsection 7 is designed to clarify the preceding subsections.

SECTION 33. A typographical error is corrected.

SECTION 34. The intent of the provision is clarified and brought into line with judicial interpretation.

SECTION 35. The intent is clarified in line with existing practice.

SECTION 36. The new subsection reflects the existing practice.

SECTION 37. Subsections 8 and 9 bring the Act into line with recent amendments to *The Execution Act*.

Subsection 10 reflects the existing practice.

person named in the caution until notice has been served upon the cautioner in accordance with the rules.

35. Section 136 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 136,
amended

- (4a) If the cautioner appears before the proper master of titles at the time and place mentioned in the notice served under subsection 3 but fails to satisfy the proper master of titles that the caution should continue, the proper master of titles may order that the entry of the caution be deleted from the register after the expiry of the prescribed number of days during which notice of an appeal may be served, and, if a copy of a notice of appeal is not served upon the proper master of titles within the prescribed number of days, the proper master of titles may delete the entry of the caution from the register, and thereupon the caution ceases to have effect and the land or charge mentioned in the caution may be dealt with as if no caution had been registered. Where
cautioner
appears

36. Section 143 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 143,
amended

- (2) An agreement of purchase and sale or an assignment thereof shall not be registered, but a person claiming an interest in registered land under such an agreement may register a caution subject to the same conditions as in other cases. Agreement
of purchase
may be
protected
by caution

37. Subsection 8 of section 145 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 145,
subs. 8,
re-enacted

- (8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ, and of that amount the sheriff shall pay over \$1 to the proper master of titles. Fees when
writ
withdrawn

- (9) No additional fee is payable to the sheriff or to the proper master of titles in respect of a certificate under section 9b of *The Execution Act*. No fee under
R.S.O. 1960,
c. 126, s. 9b

- (10) Notwithstanding subsection 2 of section 3 of *The Bail Act*, copies of certificates of liens under that Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section. Liens for
bail
R.S.O. 1960,
c. 28

R.S.O. 1960,
c. 204,
s. 152,
amended

38. Section 152 of *The Land Titles Act* is amended by inserting after "court" in the second line "or under subsection 11 of section 153", so that the section shall read as follows:

Alteration
of registered
description
of land

152. No alteration shall be made in the registered description of land, except under an order of the court or under subsection 11 of section 153 or under section 167 or by way of explanation, but this section does not extend to registered dealings with registered land in separate parcels, although the land was originally registered as one parcel.

R.S.O. 1960,
c. 204,
s. 153,
subs. 1,
re-enacted

39.—(1) Subsection 1 of section 153 of *The Land Titles Act* is repealed and the following substituted therefor:

Every plan
must
conform to
regulations

(1) Subject to the regulations, no plan of subdivision, reference plan of survey or plan attached to or incorporated by reference in an instrument shall be registered, recorded or otherwise received by any land titles office, unless the plan has been prepared in accordance with the regulations and approved by the examiner of surveys or by an assistant examiner of surveys or by such other person as is designated by the director of titles.

Saving

(1a) The director of titles, having regard to the circumstances, may order that subsection 1 does not apply to a plan mentioned in the order.

R.S.O. 1960,
c. 204,
s. 153,
subss. 8, 9,
repealed

(2) Subsections 8 and 9 of the said section 153 are repealed.

R.S.O. 1960,
c. 204,
amended

40. *The Land Titles Act* is amended by adding thereto the following sections:

Order
prohibiting
dealings
until plan
registered

154a.—(1) The director of titles may issue an order prohibiting any dealing by way of transfer or charge with registered land until a plan of subdivision of the land is registered by the registered owner of the land, and, after the entry of the prohibiting order in the register for the parcel or parcels affected, no transfer or charge of the land shall be registered unless,

(a) the land is described in accordance with and is within a registered plan of subdivision;

(b) the land is described in accordance with and is within a reference plan of survey deposited for record under section 157;

SECTION 38. This amendment eliminates the possibility of conflict with section 153 (11).

SECTION 39. These amendments reflect and extend the existing practice.

The provisions of the subsections repealed are now in subsection 1 and in the Code of Standards.

SECTION 40. The first of these new sections gives the director of titles powers similar to those of the Inspector of Legal Offices under section 96 of *The Registry Act*. The second gives the director of titles powers similar to those of the Inspector of Legal Offices under section 94 of *The Registry Act* with respect to municipal plans. The third incorporates section 92 of *The Registry Act*.

SECTION 41. Subsection 3 is new. This provision is transferred to a more appropriate place in the Act. It was formerly section 157 (4).

- (c) the transfer or charge deals with the whole of a parcel according to the parcel register;
 - (d) the transfer or charge deals with the whole of that part remaining to the registered owner of a parcel according to the parcel register; or
 - (e) the director of titles endorses his consent to registration on the transfer or charge.
- (2) The director of titles shall not issue an order under subsection 1 prohibiting dealings with land shown on a registered plan of subdivision or part thereof unless, No prohibition in certain cases
- (a) the plan has been registered for eight or more years; and
 - (b) each of the lots or blocks affected by the order,
 - (i) contains not less than one acre, or
 - (ii) has been divided into more than two parcels or parts of parcels.
- (3) The director of titles may at any time by order withdraw or modify an order issued under subsection 1, and the subsequent order shall be registered against the parcels to be affected thereby, and the subsequent order shall thereupon be effective according to its nature and intent. Withdrawal or modification of prohibition
- (4) An order under this section is exempt from *The Regulations Act*. Order exempt under R.S.O. 1960, c. 349
- 154b. Subsections 1 to 10 of section 94 of *The Registry Act* apply *mutatis mutandis* to land registered under this Act, except that the director of titles has and may exercise the powers of the Inspector under those subsections. Application of R.S.O. 1960, c. 348, s. 94, subss. 1-10
- 154c. Section 92 of *The Registry Act* applies *mutatis mutandis* to land registered under this Act. Application of R.S.O. 1960, c. 348, s. 92
41. Section 155 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 155, amended
- (3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated upon Subsequent severance

a duplicate of the plan so deposited, and the plan so prepared shall be certified by an Ontario land surveyor.

R.S.O. 1960,
c. 204,
s. 157,
subss. 1-4,
re-enacted

42. Subsections 1, 2, 3 and 4 of section 157 of *The Land Titles Act* are repealed and the following substituted therefor:

Reference
plan required
in certain
cases

- (1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of survey of the land certified by an Ontario land surveyor, to be known as a reference plan of survey, has been deposited for record in the proper office of land titles.

Saving

- (2) Subsection 1 does not apply to a transfer or charge,
- (a) of the whole of a registered parcel of land according to the parcel register;
 - (b) of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision or composite plan;
 - (c) of the whole of a part according to a previously recorded reference plan of survey; or
 - (d) of the whole of an aliquot part of a township lot as described in the original grant from the Crown.

Idem

- (3) The proper master of titles, having regard to the circumstances, may order that subsection 1 does not apply in the case of a transfer or charge mentioned in the order.

Withdrawal
of plan

- (4) A plan recorded under this section may be withdrawn by the owner or owners of all the land shown on the plan unless a transfer or charge has been registered in accordance with the plan.

R.S.O. 1960,
c. 204,
s. 161,
subss. 2,
amended

43. Subsection 2 of section 161 of *The Land Titles Act* is amended by striking out "with respect to areas of subdivision control" in the third and fourth lines, so that the subsection shall read as follows:

Where
R.S.O. 1960,
c. 296, does
not apply

- (2) Plans of subdivision registered under section 154 and composite plans registered under section 155 are not subject to the provisions of *The Planning Act*.

R.S.O. 1960,
s. 204,
s. 162,
subss. 1,
re-enacted

44. Subsection 1 of section 162 of *The Land Titles Act* is repealed and the following substituted therefor:

SECTION 42. The scope of the provision is extended to include territorial districts.

SECTIONS 43 and 44. The intent is clarified.

SECTION 45. Self-explanatory.

SECTION 46. The section is brought up to date.

(1) No registered plan is binding on the person who registered it or upon any other person, unless a transfer or charge in which the land is described in accordance with the plan has been registered. ^{When registered plan not binding}

(1a) Upon the application of the person by whom the plan was registered or of his assigns, or of the owner for the time being of land within the plan, amendments or alterations may be authorized or ordered to be made to a registered plan, ^{How registered plan may be amended}

(a) by the court or a judge thereof;

(b) by the director of titles;

(c) where the land is not in the County of York including The Municipality of Metropolitan Toronto, by a judge of the county or district court of the county or district in which land shown on the plan is situate; or

(d) where the land is situate in the County of York including The Municipality of Metropolitan Toronto, by the master of titles.

45.—(1) *The Land Titles Act* is amended by adding thereto the following section: ^{R.S.O. 1960, c. 204, amended}

172a. The Lieutenant Governor in Council may make regulations prescribing a code of standards and procedure for surveys and plans of registered land. ^{Power to make regulations}

(2) The Code of Standards and Procedure for Surveys and Plans prescribed by Ontario Regulations 111/58 shall be deemed to have been made under section 172a of *The Land Titles Act*, as enacted by subsection 1 of this section, and to have been in force by virtue thereof on and after the 5th day of May, 1958. ^{Ratification of O. Reg. 111/58}

46. Section 175 of *The Land Titles Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 204, s. 175, re-enacted}

175.—(1) Every instrument received and accepted for registration under this Act by the proper master of titles shall be retained in the custody of the proper master of titles in his office. ^{Custody of registered documents}

(2) Only the registered owner of land or of a charge or other person claiming an interest therein or lien thereupon or a solicitor acting for or an agent ^{Right of owner and others to inspect}

authorized in writing by such owner or other person has a right to inspect the parcel register for or any transfer, charge or other instrument affecting the land.

Inspection, (3) Subsection 2 does not preclude inspection of parcel registers or instruments by,

for govern- (a) an employee of the Government of Canada or
mental
purposes Ontario that requires information for use by
the Government;

for municipal (b) a member of or person employed by a muni-
purposes cipal corporation or statute labour board or
school board that requires information for
assessment purposes;

by surveyor (c) an Ontario land surveyor who requires in-
formation for survey purposes; or

by other (d) any other person or class of persons to whom
persons permission is given by the director of titles.

Fees payable (4) Subsection 3 does not permit the inspection of
on inspection registers or instruments without payment of the
prescribed fees, except where so specified by any
other Act or by the proper master of titles.

Destruction (5) Notwithstanding subsection 1, an instrument may
of certain
instruments be destroyed by or under the authority of the proper
master of titles,

(a) when it has been superseded by entries in the
register; or

(b) when it has been completely recorded photo-
graphically and the photographic reproduction
is retained and made available for inspec-
tion under this section.

R.S.O. 1960, 47. Subsection 2 of section 177 of *The Land Titles Act* is
c. 204,
s. 177,
subs. 2,
re-enacted repealed and the following substituted therefor:

Fees (2) A fee of 20 cents shall be paid by the municipality
to the proper master of titles for the entry of every
transfer, charge or lease in a list furnished under
subsection 1.

Application (48. Subsections 1, 7 and 8 of section 34 of *The Land Titles*
of
R.S.O. 1960, *Act*, as enacted by section 11 of this Act, apply in the case
c. 204, s. 34,
subs. 1, 7, 8

SECTION 47. The charge is increased from 10 cents to 20 cents per instrument.

SECTION 48. Pending applications are validated.

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of every application made under a predecessor of the said subsection 1 as if such subsections had been so enacted at the time such applications were made.

49. This Act comes into force on the 1st day of June, 1962. Commence-
ment

50. This Act may be cited as *The Land Titles Amendment Act, 1961-62*. Short title

An Act to amend
The Land Titles Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 120

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Land Titles Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. The definition is expanded in order to give a more precise meaning to the word, thus distinguishing this type of regulation from other types of regulations under the Act.

SECTION 2. The section is brought up to date and is re-designed to facilitate future additions to the system.

BILL 120

1961-62

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*,
re-enacted

- (*k*) "regulations" in Part VIII means the code of standards and procedure for surveys and plans prescribed by the regulations made under section 172a.

2. Section 2 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
re-enacted

2.—(1) This Act applies to,

Application
of Act to
districts
and counties

- (a) every provisional judicial district, including every local municipality in a provisional judicial district;
- (b) the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto;
- (c) the County of Elgin, including every local municipality in the County;
- (d) the County of Ontario, including every local municipality in the County;
- (e) the County of Carleton, including every local municipality in the County;
- (f) the County of Lincoln, including every local municipality in the County;

(g) the United Counties of Prescott and Russell, including every local municipality in the United Counties;

(h) the County of Halton, including every local municipality in the County,

and such other counties, cities and separated towns to which this Act is extended under section 3.

Continuation
of
registry
offices

(2) The registry offices heretofore established for the provisional judicial districts and for the counties and cities to which this Act applies are continued.

R.S.O. 1960,
c. 204, s. 5,
amended

3.—(1) Section 5 of *The Land Titles Act* is amended by adding thereto the following subsection:

Saving

(2a) Subsections 1 and 2 do not apply to any county, city or town, except the County of York including The Municipality of Metropolitan Toronto, until such time as the Lieutenant Governor in Council so orders.

R.S.O. 1960,
c. 204, s. 5,
subs. 6,
repealed

(2) Subsection 6 of the said section 5 is repealed.

R.S.O. 1960,
c. 204, s. 7,
subs. 2, 3,
re-enacted;
subs. 4,
repealed

4. Subsections 2, 3 and 4 of section 7 of *The Land Titles Act* are repealed and the following substituted therefor:

Deputy
director
of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act administered by the director of titles.

Assistant
deputy
directors
of titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act administered by the director of titles as the director of titles directs.

R.S.O. 1960,
c. 204, s. 8,
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of
director

(2) In addition to the powers and duties prescribed by this Act and by the rules and regulations, the

SECTION 3. The new provision 2a is designed to facilitate the extension of the Act and to simplify provincial-municipal financial arrangements as is now the case with respect to registry offices.

Subsection 6 is obsolete and is therefore repealed.

SECTION 4. These amendments extend the authority of the deputy director of titles and the assistant deputy directors of titles.

SECTION 5. These amendments are designed to facilitate administration.

SECTION 6. The five-year requirement is deleted.

SECTION 7. This new section clarifies the status and functions of deputies of local masters of titles.

director of titles may inform and advise the proper master of titles in respect of the manner in which he shall perform any particular act.

(2) The said section 8 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 8,
amended

(8) Any order of the director of titles shall, upon his request, be registered, without fee, by the proper master of titles, who shall make such entries in or amendments to the register of the title of the land affected by the order as may be required by the director in his order. Registration
of order of
director

(9) Where a dispute arises with respect to any fee payable under this Act to the proper master of titles which cannot be settled by him to the satisfaction of the person by whom the fee is payable in the first instance, the proper master of titles shall immediately notify the director of titles of the dispute, and thereupon the director shall determine the amount of the fee to be paid, taking into account any unusual circumstance, and he is not bound by the prescribed schedule of fees, and the written decision of the director thereupon is final but subject to appeal by such person, as provided by section 29, if notice of the appeal is served upon the proper master of titles within fifteen days after receipt by such person of the decision. Disputes as
to fees

6. Subsection 2 of section 9 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 9,
subs. 2,
re-enacted

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the senior deputy master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior
deputy
master of
titles

7. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a local master of titles who shall act under the supervision of the local master of titles, and the deputy, or, where more than Appoint-
ment of
deputy of
local master
of titles

one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles in the absence of the local master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the local master of titles.

Death or
resignation
of local
master of
titles

- (2) When a local master of titles dies or resigns, the deputy, or, where more than one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles until a local master of titles is appointed.

R.S.O. 1960,
c. 204, s. 12,
subs. 2,
amended

8. Subsection 2 of section 12 of *The Land Titles Act* is amended by inserting after "appointed" in the first line "under subsection 3 of section 5", so that the subsection shall read as follows:

Qualifica-
tions

- (2) The person appointed under subsection 3 of section 5 may, in the discretion of the Lieutenant Governor in Council, be a judge of a county or district court, a barrister or a solicitor, whether practising or not, or a registrar or a deputy local master of titles having five years practice in a land titles office.

R.S.O. 1960,
c. 204, s. 28,
subs. 1,
amended

9. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after "a" in the third line "certified", so that the subsection shall read as follows:

Court order
to be
obeyed

- (1) Officers appointed under this Act shall obey the order of any competent court in relation to registered land on being served with the order or a certified copy thereof.

R.S.O. 1960,
c. 204, s. 33,
subs. 5,
re-enacted

10. Subsection 5 of section 33 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of Crown
as owner

- (5) Subject to subsection 4 of section 47 and to section 48, the proper master of titles may, upon an application made by or on behalf of any minister of the government of Canada or Ontario, register under this Act any land claimed to be owned by Her Majesty the Queen in right of Canada or Ontario, as the case may be, notwithstanding that the land had not previously been granted by the Crown.

R.S.O. 1960,
c. 204, s. 34,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 34 of *The Land Titles Act* is repealed and the following substituted therefor:

Application
by municipal
council

- (1) The council of any municipality to which this Act applies may by by-law authorize an application to

SECTION 8. The intent is clarified by the insertion of the reference.

SECTIONS 9 and 10. These amendments make statutory the existing practices.

SECTION 11. These amendments are designed to expedite administration.

SECTION 12. The intent is clarified.

SECTION 13. The provision repealed is being transferred to a more appropriate place in the Act.

SECTION 14. The existing practice is made statutory.

be made to the proper master of titles to have any land that is within the municipality registered under this Act.

(2) The said section 34 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 34,
amended

- (6) The proper master of titles shall not proceed with an application under this section without the consent of the director of titles. Consent of
director
- (7) The Lieutenant Governor in Council may determine the amount of fees to be paid to the proper master of titles and to the director of titles on an application under this section. Registration
fees
- (8) Notwithstanding section 60, the Lieutenant Governor in Council may determine the amount to be paid into The Land Titles Assurance Fund by a municipality on an application under this section, and the amount shall be deemed to be costs of the application for the purposes of subsection 3. Payment to
Assurance
Fund
- (9) The Attorney General may apply under this section as agent of the owners and other persons having interests in any land designated by him that is not within a municipality, and subsections 2, 3, 4, 5, 7 and 8 apply *mutatis mutandis*. Application
by Attorney
General
where land
not in a
municipality

12. Section 40 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 40,
re-enacted

- 40.—(1) Where on an application for first registration it appears that the applicant is so entitled by virtue of length of possession of the land, he may be registered as the owner of the land with a possessory title. Possessory
title may be
registered
- (2) Subject to the approval of the director of titles, an applicant for first registration whose claim to ownership is based upon length of possession of the land may be registered as the owner in fee simple with an absolute title of the land. Absolute
title based on
possession

13. Subsection 3 of section 41 of *The Land Titles Act* is repealed. R.S.O. 1960,
c. 204, s. 41,
subs. 3,
repealed

14. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

Notice

44a. A notice of an application for first registration is sufficiently served upon an owner, mortgagee or chargee, or his assignee, of land adjoining the land of or claimed by the applicant for first registration if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of this Act or section 45 of *The Registry Act*, or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge or assignment thereof under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land.

R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 204, s. 51,
subs. 1,
par. 11,
re-enacted

15.—(1) Paragraph 11 of subsection 1 of section 51 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296

11. Section 26 of *The Planning Act* in respect of any by-law passed thereunder which affects registered land not within a registered plan of subdivision where a copy of the by-law has been deposited under subsection 8 of that section and the other requirements of that section have been complied with, but this paragraph does not apply to land in a subdivision plan area under section 154 or to land shown on a composite plan under section 155.

R.S.C. 1952,
c. 234

12. Where the registered owner is or a previous registered owner was a railway company, any interest which may be or may have been created by any instrument deposited in the office of the Secretary of State of Canada under section 139 of the *Railway Act* (Canada), but, where the previous registered owner was a railway company, this paragraph does not apply to a subsequent registered owner, except a railway company, unless a note of the previous ownership of the land by the railway company has been entered in the title register.

R.S.O. 1960,
c. 204, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsections:

Where owner
of adjoining
land has
no right

(3) A parcel of land registered under this Act is not subject to paragraph 3 of subsection 1 if a notice of the application for first registration that contained an accurate description of the parcel, or of a former larger parcel of which the parcel is a part, was served upon the person who at the time of giving the notice

SECTION 15—Subsection 1. Paragraph 11 is re-enacted in order to bring it into line with *The Planning Act*.

Paragraph 12 will give constructive notice of a provision in the *Railway Act* (Canada) under which certain instruments charging land are enforceable although not registered.

Subsection 2. Subsection 3 limits the effect of paragraph 3 of subsection 1.

Subsection 4 limits the effect of paragraph 6 of subsection 1.

Subsection 5 protects registered land against certain unregistered orders under *The Planning Act*.

Subsection 6 makes statutory the existing practice.

SECTION 16. Subsection 1 is the former section 41 (3) transferred to a more appropriate place in the Act.

Subsection 2 reflects the existing practice.

was the owner, mortgagee, chargee or purchaser, or his assignee, under a registered instrument of adjoining land and no objection to the first registration was filed with the proper master of titles within the time allowed by the notice.

- (4) Paragraph 6 of subsection 1 does not confer upon a person claiming a mechanic's lien any greater right than he would have if the land were registered under *The Registry Act*. Application of subs. 1, par. 6
R.S.O. 1960 c. 348
- (5) No order made under clause *b* of subsection 1 of section 27 of *The Planning Act* affects the title of an owner of registered land or the interest of any person therein as appearing in the register unless a copy of the order has been deposited or registered in the manner required for the deposit or registration of by-laws under subsections 8 and 9 of *The Planning Act* before the registration of the transfer or other instrument under which ownership or another interest was acquired. Effect of non-registration under R.S.O. 1960, c. 296, s. 27, subs. 1, cl. b
- (6) The title of the registered owner for the time being of land or of a charge is subject to enforceable writs of execution against him that have been recorded under section 145, but no writ of execution against a prior registered owner is enforceable in respect of the land unless a note of such writ has been entered in the title register. Writs of execution

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

- 52a.—(1) The registration of a person as first registered owner with a qualified title has the same effect as the registration of such person with an absolute title, except that registration with a qualified title does not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted. Estate of owner registered with a qualified title
- (2) The registered owner of land with a qualified title may at any time apply to the proper master of titles to be registered as owner of the land with an absolute title, but the applicant shall not be so registered unless the director of titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement, or unless a bond or covenant is furnished as provided by subsection 11 of section 60. Change from qualified title to absolute title

R.S.O. 1960,
c. 204, s. 60,
subs. 1,
amended

17.—(1) Subsection 1 of section 60 of *The Land Titles Act* is amended by inserting after “fund” in the first line “to be known as The Land Titles Assurance Fund”, so that the subsection shall read as follows:

Land Titles
Assurance
Fund

- (1) An assurance fund, to be known as The Land Titles Assurance Fund, shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud, or by reason of a misdescription, omission or other error in a certificate of ownership of land or of a charge or in an entry on the register.

R.S.O. 1960,
c. 204, s. 60,
subs. 5,
amended

(2) Subsection 5 of the said section 60 is amended by striking out “Assurance Fund under *The Land Titles Act*” in the fourth and fifth lines and inserting in lieu thereof “The Land Titles Assurance Fund Account”, so that the subsection shall read as follows:

To be paid
into court
and invested

- (5) Subject to the rules, moneys payable under this section shall be paid into court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account entitled “The Land Titles Assurance Fund Account” and, subject to subsection 6, shall be invested from time to time under the direction of the court, and the interest or income derived therefrom shall be credited to the same account.

R.S.O. 1960,
c. 204, s. 60,
subs. 7,
re-enacted

(3) Subsection 7 of the said section 60 is repealed and the following substituted therefor:

No fee for
direction

- (7) No fee is payable for a direction to receive the amount to be paid into the Assurance Fund.

R.S.O. 1960,
c. 204, s. 60,
amended

(4) The said section 60 is amended by adding thereto the following subsection:

Contribution
on registra-
tion of
newly-
patented
land

- (12) Notwithstanding subsection 2, the amount payable into the Assurance Fund on the registration of newly-patented land under section 35 or 36 is \$1, irrespective of the amount paid to the Crown for the land, but a patentee of land mentioned under section 64 may pay an additional amount in section 61, as though he were a person taking a transfer.

R.S.O. 1960,
c. 204, s. 62,
amended

18.—(1) Section 62 of *The Land Titles Act* is amended by adding thereto the following subsection:

SECTION 17—Subsections 1 and 2. These amendments give the assurance fund under the Act a specific name to distinguish it from the assurance fund under *The Certification of Titles Act*.

Subsection 3. The provision is brought into line with practice.

Subsection 4. This provision is new. It provides for the payment into The Land Titles Assurance Fund of \$1 on registrations of newly-patented lands.

SECTION 18. This new provision will require interest on The Land Titles Assurance Fund in respect of a year to be paid into the Consolidated Revenue Fund in the next following year.

SECTION 19. An obsolete reference to certain rules is deleted.

SECTION 20. The section is re-enacted in order to bring it into line with existing practice.

SECTION 21. This section is designed to complement and clarify section 74 of the Act.

- (5) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, pay over to the Treasurer of Ontario to the credit of the Consolidated Revenue Fund the amount of interest that was credited to The Land Titles Assurance Fund during the calendar year first mentioned. ^{Interest on Fund}

(2) The first payment under subsection 5 of the said section 62, as enacted by subsection 1, shall be made so soon as ^{First payment} may be after the 1st day of June, 1962.

19. Subsection 1 of section 66 of *The Land Titles Act* is ^{R.S.O. 1960, c. 204, s. 66, subs. 1, amended} amended by striking out "subject to the rules respecting the number of persons to be registered in respect of the same land" in the fifth, sixth and seventh lines, so that the subsection shall read as follows:

- (1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land may apply to the proper master of titles to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered. ^{Registration of part owners}

20. Section 70 of *The Land Titles Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 204, s. 70, re-enacted}

70.—(1) Where registered land is transferred to trustees under *The Religious Institutions Act*, they shall be registered in their corporate name without setting out the purposes or trusts on which the land is held. ^{Registration of trustees} ^{R.S.O. 1960, c. 351}

- (2) A person who has been appointed as a trustee under the *Bankruptcy Act* (Canada) or under any other Act of Canada or Ontario or by the court, upon proof of his entitlement satisfactory to the proper master of titles, may be registered as the owner of registered land or of an interest therein, and he may transfer the same upon proof of compliance with the Act or order under which he was appointed. ^{Registration of other trustees} ^{R.S.C. 1952, c. 14}

21. *The Land Titles Act* is amended by adding thereto the following section: ^{R.S.O. 1960, c. 204, amended}

Meaning of
"vest" or
"belong"

74a.—(1) Where by an order of a court of competent jurisdiction or where by virtue of the operation of an Act of Canada or Ontario registered land or any interest therein is stated by the order or Act to vest, be vested or become vested in, or belong to, the Crown in right of Canada or Ontario or any person other than the registered owner of the land, the registered owner shall be deemed for the purposes of this Act to remain the owner thereof,

(a) until an application to be registered as owner is made by or on behalf of the Crown or other person in or to whom the land is stated to be vested or to belong; or

(b) until the land is transferred to the Crown or person by the registered owner,

as the case may be, in accordance with the order or Act.

Saving
R.S.O., 1960,
c. 171

(2) Subsection 1 does not apply to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act.

R.S.O. 1960,
c. 204, s. 77,
amended

22. Section 77 of *The Land Titles Act* is amended by adding thereto the following subsections:

Department
of Highways
register

(2) For the purposes of subsection 1, the Department of Highways register mentioned in clause *b* of subsection 1 of section 172 shall be deemed to be a book kept for the entry of instruments.

Trans-
Canada
Pipe Line
register

(3) Subject to the rules, the Trans-Canada Pipe Line register established under clause *b* of subsection 1 of section 172 shall be deemed to be a register of the title of land or interests therein, including easements, owned by Trans-Canada Pipe Lines Limited or Northern Ontario Pipe Line Crown Corporation for the purposes of this Act.

R.S.O. 1960,
c. 204,
amended

23. *The Land Titles Act* is amended by adding thereto the following sections:

Amendment
of register

79a. Upon the application of the registered owner, any entry in the register of his title may be amended by the proper master of titles to reflect the effect of other statutes or orders of the court or a change in the name of the owner, or such other changes as have occurred in fact.

SECTION 22. These new subsections are designed to clarify the effect of the registration of highway plans and pipe line plans.

SECTIONS 23 and 24. These new provisions bring the Act into line with existing practices.

SECTION 25. This new subsection is designed to clarify the meaning of "registered owner" as used in subsection 1.

79b. In respect of the first registration of land or any subsequent registration of an instrument under this Act, the proper master of titles may require such proof as he considers sufficient, or as is prescribed by the director of titles, of compliance with any Act of Canada or Ontario that if not complied with would affect the title of the first registered owner or the title or interest of the person taking under the subsequent instrument.

Proof of compliance with other statutes

79c.—(1) Except as otherwise provided by this Act, every instrument presented for registration by which, when registration thereof is completed, an interest in registered land is created, transferred or terminated shall be deemed to be an application to the proper master of titles to amend the registered title of the land mentioned therein.

Instruments deemed applications to amend register

(2) A plan, certificate, order or by-law made under an Act of Canada or Ontario, which when registered has the effect of transferring, vesting or forfeiting registered land or an interest therein in or to the Crown, a municipal corporation or other public body or a trustee appointed under such an Act, shall be deemed to be an instrument for the purposes of subsection 1.

Idem

(3) An agreement or lease or other instrument in respect of which no provision is made by this Act for registration but which is filed in support of or mentioned in a caution, notice of lease or other notice authorized by this Act shall be deemed not to be registered nor to be an instrument for the purposes of subsection 1.

Certain instruments not within subs. 1

24. Section 81 of *The Land Titles Act* is amended by adding at the end thereof "but this section does not apply to the execution of a transfer or charge by a corporation", so that the section shall read as follows:

R.S.O. 1960, c. 204, s. 81, amended

81. Notwithstanding any statute or rule of law, a charge or transfer of registered land may be duly made by an instrument not under seal and, if so made, the instrument and every agreement, stipulation and condition therein has the same effect for all purposes as if made under seal, but this section does not apply to the execution of a transfer or charge by a corporation.

Charges and transfers may be made without seal

25. Section 83 of *The Land Titles Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 204, s. 83, amended

Application
of subs. 1

- (2) In subsection 1, "registered owner" means the registered owner of freehold or leasehold land or of a charge.

R.S.O. 1960,
c. 204, s. 91,
re-enacted

26. Section 91 of *The Land Titles Act* is repealed and the following substituted therefor:

Interpre-
tation

91.—(1) In this section,

- (a) "owner to uses" means a transferee registered under a transfer to uses;
- (b) "transfer to uses" means a transfer expressed to be given to such uses as the transferee may appoint by transfer, charge or will;
- (c) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Transfer to
uses may be
registered

(2) A transfer to uses may be registered.

Exercise of
power of
appointment

(3) An owner to uses may exercise his power of appointment by a transfer or charge in the prescribed form or by his will.

Charge does
not exhaust
power

(4) An appointment by way of charge by an owner to uses does not exhaust his power of appointment.

Effect of
cessation of
charge

(5) Notwithstanding the registration of a cessation of a charge,

(a) which was made by way of appointment by the owner to uses; or

(b) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the charge had not been made.

Effect of
default of
appointment

(6) An owner to uses who dies without having exercised his power of appointment by transfer, charge or will shall be deemed to have appointed the land by way of transfer to himself immediately before his death.

Idem

(7) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of charge and who dies without having appointed by way of transfer or will shall be

SECTION 26. The intent of the section is clarified.

SECTION 27. This section is a transfer to the Act in a revised form of a provision that heretofore has appeared in the rules.

deemed to have appointed the unencumbered interest in the land by way of transfer to himself immediately before his death.

- (8) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses. No inchoate dower right
- (9) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death. Where widow entitled to dower

27. The Land Titles Act is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

91a.—(1) A transfer or charge in which the transferee or chargee is a corporation, other than a municipal corporation or a corporation that was incorporated by an Act of Canada or Ontario, shall not be registered unless, Registration of letters patent of incorporation

(a) the letters patent of incorporation of the corporation; or

(b) a licence under which the corporation is empowered to hold land in Ontario,

or a notarial copy thereof, is registered in the companies register or other register kept in the office of land titles for the registration of such instruments.

- (2) Where the name of a corporation within the purview of subsection 1 has been changed or where the corporation has been amalgamated with or absorbed by another corporation, the letters patent effecting the change, or a notarial copy thereof, shall be registered before the registration of any transfer or charge given by or to the changed corporation. Supplementary letters patent
- (3) A transfer or charge in which the transferee or chargee is a corporation that was incorporated by an Act of Canada or Ontario shall not be registered until the proper master of titles is satisfied of the fact of such incorporation. Where incorporation by special Act
- (4) A transfer or charge in which the transferee or chargee is a corporation, other than a corporation that was incorporated by or under an Act of Ontario or Licence to hold land

Quebec, shall not be registered, unless the licence under which the corporation is empowered to hold land in Ontario, or a notarial copy thereof, is registered under subsection 1 or unless the corporation is permitted by law to own land or charges on land in Ontario without a licence.

Compared
copy of
letters
patent

- (5) The proper master of titles may register a copy compared by him with the original letters patent in lieu of a notarial copy thereof.

R.S.O. 1960,
c. 204, s. 97,
amended

28. Section 97 of *The Land Titles Act* is amended by adding thereto the following subsections:

Notices

- (3) A notice to a subsequent encumbrancer or execution creditor shall allow him not less than fifteen days, exclusive of the day upon which the notice was served, during which he may serve upon the proper master of titles and on the chargee intending to exercise his power of sale a notice of intention to redeem the land, and, if the notice of intention is served within the time allowed, the subsequent encumbrancer may redeem the land upon payment in full of all moneys payable under the charge within such period, not less than thirty days from the date of service of the notice of intention to redeem, as may be allowed by the proper master of titles.

Reference to
R.S.O. 1960,
c. 245,
Part II-A

- (4) The requirements of this section are in addition to those in Part II-A of *The Mortgages Act*, and, in case of conflict, this section prevails.

R.S.O. 1960,
c. 204, s. 99,
amended

29. Section 99 of *The Land Titles Act* is amended by adding thereto the following subsection:

Transfer of
charge may
include pro-
vision to
re-transfer

- (8) A charge of a charge shall not be registered, but a charge may be transferred subject to a provision to re-transfer it to the transferor of the charge upon the payment of a sum of money either with or without interest, or upon the performance of any other condition, and, until the charge has been re-transferred, the transferee of the charge shall for the purposes of this Act be deemed to be the absolute owner thereof.

R.S.O. 1960,
c. 204,
s. 109,
subs. 8,
re-enacted

30. Subsection 8 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Priorities
under leases

- (8) Subject to paragraph 4 of subsection 1 of section 51 and except where the person claiming an interest under a lease or agreement for a lease of which interest

SECTION 28. A specific minimum period of time is given. The present common law rule is "within a reasonable time".

SECTION 29. This amendment transfers to the Act the existing practice contemplated by the rules.

SECTION 30. The subsection is re-enacted to bring it into line with the preceding subsection.

SECTION 31. This amendment transfers to the Act a provision heretofore in the rules. Subsection 2 is similar in principle to section 116.

SECTION 32—Subsection 1. The intent of the provision is clarified.

a notice has been registered has actual notice of another interest under the lease or agreement for a lease or under another lease or agreement for a lease, the first-mentioned interest under the lease or under the agreement for a lease takes priority over one of which a notice has not been registered.

31. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

120a.—(1) The proper master of titles may issue to any person entitled to inspect the register of title a certificate of search in the prescribed form or in such form as may be authorized by the director of titles. Certificate
of search

(2) A certificate of search is *prima facie* evidence of the matters therein contained. Idem

32.—(1) Subsection 1 of section 122 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 122,
subs. 1,
re-enacted

(1) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. Registration
of conditions
and restric-
tions, on
application

(1a) The proper master of titles may register as annexed to the land a covenant, condition or restriction that is included in a transfer of registered land that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition, restriction or covenant running with or capable of being legally annexed to land. Registration
of covenants,
conditions
and restric-
tions, on
transfer

(1b) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a covenant that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other covenant running with or capable of being legally annexed to land. Registration
of covenants,
on applica-
tion

(1c) A covenant shall not be registered under subsection 1b unless, Idem

- (a) the covenantor is the owner of the land to be burdened by the covenant;
- (b) the covenantee is a person other than the covenantor;
- (c) the covenantee owns land to be benefited by the covenant and that land is mentioned in the covenant; and
- (d) the covenantor signs the application to assume the burden of the covenant.

R.S.O. 1960,
c. 204,
s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsections:

Deletion
from register
after 40
years

- (6) Where a condition, restriction or covenant has been registered as annexed to or running with land and no period or date was fixed for its expiry, the entry of the condition, restriction or covenant may be deleted from the register by the proper master of titles upon an application being made by any person interested in the land at any time after forty years after the condition, restriction or covenant was registered, and the condition, restriction or covenant thereupon ceases to be enforceable.

Effect of
conditions
and restric-
tions

- (7) Where a condition or restriction has been registered as annexed to land, the condition or restriction is as binding upon any person who becomes the registered owner of the land or a part thereof as if the condition or restriction had been in the form of a covenant entered into by the person who was the registered owner of the land at the time of the registration of the condition or restriction.

R.S.O. 1960,
c. 204,
s. 132,
amended

33. Section 132 of *The Land Titles Act* is amended by striking out "daip" in the seventh line and inserting in lieu thereof "paid".

R.S.O. 1960,
c. 204,
s. 135,
subs. 1,
re-enacted

34. Subsection 1 of section 135 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of caution

- (1) A person claiming to have an interest in registered land or in a registered charge of which he is not the registered owner may apply to the proper master of titles for the registration of a caution to the effect that no dealing with the land or charge be had on the part of the registered owner or other

Subsection 2. The new subsection 6 will permit the deletion of certain restrictive covenants that have been registered for more than 40 years.

The new subsection 7 is designed to clarify the preceding subsections.

SECTION 33. A typographical error is corrected.

SECTION 34. The intent of the provision is clarified and brought into line with judicial interpretation.

SECTION 35. The intent is clarified in line with existing practice.

SECTION 36. The new subsection reflects the existing practice.

SECTION 37. Subsections 8 and 9 bring the Act into line with recent amendments to *The Execution Act*.

Subsection 10 reflects the existing practice.

person named in the caution until notice has been served upon the cautioner in accordance with the rules.

35. Section 136 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 136,
amended

- (4a) If the cautioner appears before the proper master of titles at the time and place mentioned in the notice served under subsection 3 but fails to satisfy the proper master of titles that the caution should continue, the proper master of titles may order that the entry of the caution be deleted from the register after the expiry of the prescribed number of days during which notice of an appeal may be served, and, if a copy of a notice of appeal is not served upon the proper master of titles within the prescribed number of days, the proper master of titles may delete the entry of the caution from the register, and thereupon the caution ceases to have effect and the land or charge mentioned in the caution may be dealt with as if no caution had been registered. Where
cautioner
appears

36. Section 143 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 143,
amended

- (2) An agreement of purchase and sale or an assignment thereof shall not be registered, but a person claiming an interest in registered land under such an agreement may register a caution subject to the same conditions as in other cases. Agreement
of purchase
may be
protected
by caution

37. Subsection 8 of section 145 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 145,
subs. 8,
re-enacted

- (8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ, and of that amount the sheriff shall pay over \$1 to the proper master of titles. Fee

- (9) No additional fee is payable to the sheriff or to the proper master of titles in respect of a certificate under section 9b of *The Execution Act*. No fee under
R.S.O. 1960,
c. 126, s. 9b

- (10) Notwithstanding subsection 2 of section 3 of *The Bail Act*, copies of certificates of liens under that Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section. Liens for
bail
R.S.O. 1960,
c. 28

R.S.O. 1960,
c. 204,
s. 152,
amended

38. Section 152 of *The Land Titles Act* is amended by inserting after "court" in the second line "or under subsection 11 of section 153", so that the section shall read as follows:

Alteration
of registered
description
of land

152. No alteration shall be made in the registered description of land, except under an order of the court or under subsection 11 of section 153 or under section 167 or by way of explanation, but this section does not extend to registered dealings with registered land in separate parcels, although the land was originally registered as one parcel.

R.S.O. 1960,
c. 204,
amended

39. *The Land Titles Act* is amended by adding thereto the following sections:

Order
prohibiting
dealings
until plan
registered

154a.—(1) The director of titles may, upon the request of the proper master of titles, issue an order prohibiting any dealing by way of transfer or charge with registered land until a plan of subdivision of the land is registered by the registered owner of the land, and, after the entry of the prohibiting order in the register for the parcel or parcels affected, no transfer or charge of the land shall be registered unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the land is described in accordance with and is within a reference plan of survey deposited for record under section 157;
- (c) the transfer or charge deals with the whole of a parcel according to the parcel register;
- (d) the transfer or charge deals with the whole of that part remaining to the registered owner of a parcel according to the parcel register; or
- (e) the director of titles endorses his consent to registration on the transfer or charge.

No prohibi-
tion in
certain cases

(2) The director of titles shall not issue an order under subsection 1 prohibiting dealings with land shown on a registered plan of subdivision or part thereof unless,

- (a) the plan has been registered for eight or more years; and

SECTION 38. This amendment eliminates the possibility of conflict with section 153 (11).

SECTION 39. The first of these new sections gives the director of titles powers similar to those of the Inspector of Legal Offices under section 96 of *The Registry Act*. The second gives the director of titles powers similar to those of the Inspector of Legal Offices under section 94 of *The Registry Act* with respect to municipal plans. The third incorporates section 92 of *The Registry Act*.

SECTION 40. Subsection 3 is new. This provision is transferred to a more appropriate place in the Act. It was formerly section 157 (4).

SECTION 41. The scope of the provision is extended to include territorial districts.

(b) each of the lots or blocks affected by the order,

(i) contains not less than one acre, or

(ii) has been divided into more than two parcels or parts of parcels.

(3) The director of titles may at any time by order withdraw or modify an order issued under subsection 1, and the subsequent order shall be registered against the parcels to be affected thereby, and the subsequent order shall thereupon be effective according to its nature and intent. Withdrawal or modification of prohibition

(4) An order under this section is exempt from *The Regulations Act*. Order exempt under R.S.O. 1960, c. 349

154b. Subsections 1 to 10 of section 94 of *The Registry Act* apply *mutatis mutandis* to land registered under this Act, except that the director of titles has and may exercise the powers of the Inspector under those subsections. Application of R.S.O. 1960, c. 348, s. 94, subss. 1-10

154c. Section 92 of *The Registry Act* applies *mutatis mutandis* to land registered under this Act. Application of R.S.O. 1960, c. 348, s. 92

40. Section 155 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 155, amended

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated upon a duplicate of the plan so deposited, and the plan so prepared shall be certified by an Ontario land surveyor. Subsequent severance

41. Subsections 1, 2, 3 and 4 of section 157 of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 157, subss. 1-4, re-enacted

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of survey of the land certified by an Ontario land surveyor, to be known as a reference plan of survey, has been deposited for record in the proper office of land titles. Reference plan required in certain cases

(2) Subsection 1 does not apply to a transfer or charge, Saving

(a) of the whole of a registered parcel of land according to the parcel register;

(b) of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision or composite plan; or

(c) of the whole of a part according to a previously recorded reference plan of survey.

Idem

(3) The proper master of titles, having regard to the circumstances, may order that subsection 1 does not apply in the case of a transfer or charge mentioned in the order.

Withdrawal
of plan

(4) A plan recorded under this section may be withdrawn by the owner or owners of all the land shown on the plan unless a transfer or charge has been registered in accordance with the plan.

R.S.O. 1960,
c. 204,
s. 161,
subs. 2,
amended

42. Subsection 2 of section 161 of *The Land Titles Act* is amended by striking out "with respect to areas of subdivision control" in the third and fourth lines, so that the subsection shall read as follows:

Where
R.S.O. 1960,
c. 296, does
not apply

(2) Plans of subdivision registered under section 154 and composite plans registered under section 155 are not subject to the provisions of *The Planning Act*.

R.S.O. 1960,
s. 204,
s. 162,
subs. 1,
re-enacted

43. Subsection 1 of section 162 of *The Land Titles Act* is repealed and the following substituted therefor:

When
registered
plan not
binding

(1) No registered plan is binding on the person who registered it or upon any other person, unless a transfer or charge in which the land is described in accordance with the plan has been registered.

How
registered
plan may
be amended

(1a) Upon the application of the person by whom the plan was registered or of his assigns, or of the owner for the time being of land within the plan, amendments or alterations may be authorized or ordered to be made to a registered plan,

(a) by the court or a judge thereof;

(b) by the director of titles;

(c) where the land is not in the County of York including The Municipality of Metropolitan Toronto, by a judge of the county or district court of the county or district in which land shown on the plan is situate; or

SECTIONS 42 and 43. The intent is clarified.

SECTION 44. Self-explanatory.

SECTION 45. The section is brought up to date.

- (d) where the land is situate in the County of York including The Municipality of Metropolitan Toronto, by the master of titles.

44.—(1) *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

172a. The Lieutenant Governor in Council may make regulations prescribing a code of standards and procedure for surveys and plans of registered land. Power to
make
regulations

(2) The Code of Standards and Procedure for Surveys and Plans prescribed by the regulations shall be deemed to have been made under section 172a of *The Land Titles Act*, as enacted by subsection 1 of this section, and to have been in force by virtue thereof on and after the 5th day of May, 1958. Ratification
of O. Reg.
111/58

45. Section 175 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 175,
re-enacted

175.—(1) Every instrument received and accepted for registration under this Act by the proper master of titles shall be retained in the custody of the proper master of titles in his office. Custody of
registered
documents

(2) Only the registered owner of land or of a charge or other person claiming an interest therein or lien thereupon or a solicitor acting for or an agent authorized in writing by such owner or other person has a right to inspect the parcel register for or any transfer, charge or other instrument affecting the land. Right of
owner and
others to
inspect

(3) Subsection 2 does not preclude inspection of parcel registers or instruments by, Inspection,

(a) an employee of the Government of Canada or Ontario that requires information for use by the Government; for govern-
mental
purposes

(b) a member of or person employed by a municipal corporation or statute labour board or school board that requires information for assessment purposes; for municipal
purposes

(c) an Ontario land surveyor who requires information for survey purposes; or in-by surveyor

(d) any other person or class of persons to whom permission is given by the proper master of titles. by other
persons

Fees payable
on inspection

- (4) Subsection 3 does not permit the inspection of registers or instruments without payment of the prescribed fees, except where so specified by any other Act or by the proper master of titles.

Destruction
of certain
instruments

- (5) Notwithstanding subsection 1, an instrument may be destroyed by or under the authority of the proper master of titles,

(a) when it has been superseded by entries in the register; or

(b) when it has been completely recorded photographically and the photographic reproduction is retained and made available for inspection under this section.

R.S.O. 1960,
c. 204,
s. 177,
subs. 2,
re-enacted

46. Subsection 2 of section 177 of *The Land Titles Act* is repealed and the following substituted therefor:

Fees

- (2) A fee of 20 cents shall be paid by the municipality to the proper master of titles for the entry of every transfer, charge or lease in a list furnished under subsection 1.

Application
of
R.S.O. 1960,
c. 204, s. 34,
subs. 1, 7, 8

47. Subsections 1, 7 and 8 of section 34 of *The Land Titles Act*, as enacted by section 11 of this Act, apply in the case of every application made under a predecessor of the said subsection 1 as if such subsections had been so enacted at the time such applications were made.

Commence-
ment

48. This Act comes into force on the 1st day of June, 1962.

Short title

49. This Act may be cited as *The Land Titles Amendment Act, 1961-62*.

SECTION 46. The charge is increased from 10 cents to 20 cents per instrument.

SECTION 47. Pending applications are validated.

For the year ending 31st Dec 1812
and 31st Dec 1813

For the year ending 31st Dec 1813 only

Particulars	1812	1813	1814	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830
To Balance																			
By Balance																			
To Cash																			
By Cash																			
To Bank																			
By Bank																			
To Debtors																			
By Debtors																			
To Creditors																			
By Creditors																			
To Profit & Loss																			
By Profit & Loss																			
To Balance																			
By Balance																			

For the year ending 31st Dec 1813 only

For the year ending 31st Dec 1814 only

For the year ending 31st Dec 1815 only

For the year ending 31st Dec 1816 only

For the year ending 31st Dec 1817 only

For the year ending 31st Dec 1818 only

THE LAND TITLES ACT

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee on Legal Bills)*

BILL 120

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Land Titles Act

MR. ROBERTS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The definition is expanded in order to give a more precise meaning to the word, thus distinguishing this type of regulation from other types of regulations under the Act.

SECTION 2. The section is brought up to date and is re-designed to facilitate future additions to the system.

BILL 120

1961-62

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*,
re-enacted

(*k*) "regulations" in Part VIII means the code of standards and procedure for surveys and plans prescribed by the regulations made under section 172a.

2. Section 2 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
re-enacted

2.—(1) This Act applies to,

Application
of Act to
districts
and counties

- (a) every provisional judicial district, including every local municipality in a provisional judicial district;
- (b) the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto;
- (c) the County of Elgin, including every local municipality in the County;
- (d) the County of Ontario, including every local municipality in the County;
- (e) the County of Carleton, including every local municipality in the County;
- (f) the County of Lincoln, including every local municipality in the County;

(g) the United Counties of Prescott and Russell, including every local municipality in the United Counties;

(h) the County of Halton, including every local municipality in the County,

and such other counties, cities and separated towns to which this Act is extended under section 3.

Continua-
tion of
registry
offices

- (2) The registry offices heretofore established for the provisional judicial districts and for the counties and cities to which this Act applies are continued.

R.S.O. 1960,
c. 204, s. 5,
amended

3.—(1) Section 5 of *The Land Titles Act* is amended by adding thereto the following subsection:

Saving

- (2a) Subsections 1 and 2 do not apply to any county, city or town, except the County of York including The Municipality of Metropolitan Toronto, until such time as the Lieutenant Governor in Council so orders.

R.S.O. 1960,
c. 204, s. 5,
subs. 6,
repealed

- (2) Subsection 6 of the said section 5 is repealed.

R.S.O. 1960,
c. 204, s. 7,
subs. 2, 3,
re-enacted;
subs. 4,
repealed

4. Subsections 2, 3 and 4 of section 7 of *The Land Titles Act* are repealed and the following substituted therefor:

Deputy
director
of titles

- (2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act administered by the director of titles.

Assistant
deputy
directors
of titles

- (3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act administered by the director of titles as the director of titles directs.

R.S.O. 1960,
c. 204, s. 8,
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of
director

- (2) In addition to the powers and duties prescribed by this Act and by the rules and regulations, the

SECTION 3. The new provision 2a is designed to facilitate the extension of the Act and to simplify provincial-municipal financial arrangements as is now the case with respect to registry offices.

Subsection 6 is obsolete and is therefore repealed.

SECTION 4. These amendments extend the authority of the deputy director of titles and the assistant deputy directors of titles.

SECTION 5. These amendments are designed to facilitate administration.

SECTION 6. The five-year requirement is deleted.

SECTION 7. This new section clarifies the status and functions of deputies of local masters of titles.

director of titles may inform and advise the proper master of titles in respect of the manner in which he shall perform any particular act.

(2) The said section 8 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 8,
amended

(8) Any order of the director of titles shall, upon his request, be registered, without fee, by the proper master of titles, who shall make such entries in or amendments to the register of the title of the land affected by the order as may be required by the director in his order. Registration
of order of
director

(9) Where a dispute arises with respect to any fee payable under this Act to the proper master of titles which cannot be settled by him to the satisfaction of the person by whom the fee is payable in the first instance, the proper master of titles shall immediately notify the director of titles of the dispute, and thereupon the director shall determine the amount of the fee to be paid, taking into account any unusual circumstance, and he is not bound by the prescribed schedule of fees, and the written decision of the director thereupon is final but subject to appeal by such person, as provided by section 29, if notice of the appeal is served upon the proper master of titles within fifteen days after receipt by such person of the decision. Disputes as
to fees

6. Subsection 2 of section 9 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 9,
subs. 2,
re-enacted

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the senior deputy master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior
deputy
master of
titles

7. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a local master of titles who shall act under the supervision of the local master of titles, and the deputy, or, where more than Appoint-
ment of
deputy of
local master
of titles

one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles in the absence of the local master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the local master of titles.

Death or
resignation
of local
master of
titles

- (2) When a local master of titles dies or resigns, the deputy, or, where more than one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles until a local master of titles is appointed.

R.S.O. 1960,
c. 204, s. 12,
subs. 2,
amended

8. Subsection 2 of section 12 of *The Land Titles Act* is amended by inserting after "appointed" in the first line "under subsection 3 of section 5", so that the subsection shall read as follows:

Qualifica-
tions

- (2) The person appointed under subsection 3 of section 5 may, in the discretion of the Lieutenant Governor in Council, be a judge of a county or district court, a barrister or a solicitor, whether practising or not, or a registrar or a deputy local master of titles having five years practice in a land titles office.

R.S.O. 1960,
c. 204, s. 28,
subs. 1,
amended

9. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after "a" in the third line "certified", so that the subsection shall read as follows:

Court order
to be
obeyed

- (1) Officers appointed under this Act shall obey the order of any competent court in relation to registered land on being served with the order or a certified copy thereof.

R.S.O. 1960,
c. 204, s. 33,
subs. 5,
re-enacted

10. Subsection 5 of section 33 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of Crown
as owner

- (5) Subject to subsection 4 of section 47 and to section 48, the proper master of titles may, upon an application made by or on behalf of any minister of the government of Canada or Ontario, register under this Act any land claimed to be owned by Her Majesty the Queen in right of Canada or Ontario, as the case may be, notwithstanding that the land had not previously been granted by the Crown.

R.S.O. 1960,
c. 204, s. 34,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 34 of *The Land Titles Act* is repealed and the following substituted therefor:

Application
by municip-
al council

- (1) The council of any municipality to which this Act applies may by by-law authorize an application to

SECTION 8. The intent is clarified by the insertion of the reference.

SECTIONS 9 and 10. These amendments make statutory the existing practices.

SECTION 11. These amendments are designed to expedite administration.

SECTION 12. The intent is clarified.

SECTION 13. The provision repealed is being transferred to a more appropriate place in the Act.

SECTION 14. The existing practice is made statutory.

be made to the proper master of titles to have any land that is within the municipality registered under this Act.

(2) The said section 34 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 34,
amended

- (6) The proper master of titles shall not proceed with an application under this section without the consent of the director of titles. Consent of
director
- (7) The Lieutenant Governor in Council may determine the amount of fees to be paid to the proper master of titles and to the director of titles on an application under this section. Registration
fees
- (8) Notwithstanding section 60, the Lieutenant Governor in Council may determine the amount to be paid into The Land Titles Assurance Fund by a municipality on an application under this section, and the amount shall be deemed to be costs of the application for the purposes of subsection 3. Payment to
Assurance
Fund
- (9) The Attorney General may apply under this section as agent of the owners and other persons having interests in any land designated by him that is not within a municipality, and subsections 2, 3, 4, 5, 7 and 8 apply *mutatis mutandis*. Application
by Attorney
General
where land
not in a
municipality

12. Section 40 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 40,
re-enacted

- 40.—(1) Where on an application for first registration it appears that the applicant is so entitled by virtue of length of possession of the land, he may be registered as the owner of the land with a possessory title. Possessory
title may be
registered
- (2) Subject to the approval of the director of titles, an applicant for first registration whose claim to ownership is based upon length of possession of the land may be registered as the owner in fee simple with an absolute title of the land. Absolute
title based on
possession

13. Subsection 3 of section 41 of *The Land Titles Act* is repealed. R.S.O. 1960,
c. 204, s. 41,
subs. 3,
repealed

14. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

Notice

44a. A notice of an application for first registration is sufficiently served upon an owner, mortgagee or chargee, or his assignee, of land adjoining the land of or claimed by the applicant for first registration if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of this Act or section 45 of *The Registry Act*, or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge or assignment thereof under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land.

R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 204, s. 51,
subs. 1,
par. 11,
re-enacted

15.—(1) Paragraph 11 of subsection 1 of section 51 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296

11. Section 26 of *The Planning Act* in respect of any by-law passed thereunder which affects registered land not within a registered plan of subdivision where a copy of the by-law has been deposited under subsection 8 of that section and the other requirements of that section have been complied with, but this paragraph does not apply to land in a subdivision plan area under section 154 or to land shown on a composite plan under section 155.

R.S.C. 1952,
c. 234

12. Where the registered owner is or a previous registered owner was a railway company, any interest which may be or may have been created by any instrument deposited in the office of the Secretary of State of Canada under section 139 of the *Railway Act* (Canada), but, where the previous registered owner was a railway company, this paragraph does not apply to a subsequent registered owner, except a railway company, unless a note of the previous ownership of the land by the railway company has been entered in the title register.

R.S.O. 1960,
c. 204, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsections:

Where owner
of adjoining
land has
no right

(3) A parcel of land registered under this Act is not subject to paragraph 3 of subsection 1 if a notice of the application for first registration that contained an accurate description of the parcel, or of a former larger parcel of which the parcel is a part, was served upon the person who at the time of giving the notice

SECTION 15—Subsection 1. Paragraph 11 is re-enacted in order to bring it into line with *The Planning Act*.

Paragraph 12 will give constructive notice of a provision in the *Railway Act* (Canada) under which certain instruments charging land are enforceable although not registered.

Subsection 2. Subsection 3 limits the effect of paragraph 3 of subsection 1.

Subsection 4 limits the effect of paragraph 6 of subsection 1.

Subsection 5 protects registered land against certain unregistered orders under *The Planning Act*.

Subsection 6 makes statutory the existing practice.

SECTION 16. Subsection 1 is the former section 41 (3) transferred to a more appropriate place in the Act.

Subsection 2 reflects the existing practice.

was the owner, mortgagee, chargee or purchaser, or his assignee, under a registered instrument of adjoining land and no objection to the first registration was filed with the proper master of titles within the time allowed by the notice.

- (4) Paragraph 6 of subsection 1 does not confer upon a person claiming a mechanic's lien any greater right than he would have if the land were registered under *The Registry Act*. Application of subs. 1, par. 6
R.S.O. 1960 c. 348

- (5) No order made under clause *b* of subsection 1 of section 27 of *The Planning Act* affects the title of an owner of registered land or the interest of any person therein as appearing in the register unless a copy of the order has been deposited or registered in the manner required for the deposit or registration of by-laws under subsections 8 and 9 of *The Planning Act* before the registration of the transfer or other instrument under which ownership or another interest was acquired. Effect of non-registration under R.S.O. 1960, c. 296, s. 27, subs. 1, cl. b

- (6) The title of the registered owner for the time being of land or of a charge is subject to enforceable writs of execution against him that have been recorded under section 145, but no writ of execution against a prior registered owner is enforceable in respect of the land unless a note of such writ has been entered in the title register. Writs of execution

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

52a.—(1) The registration of a person as first registered owner with a qualified title has the same effect as the registration of such person with an absolute title, except that registration with a qualified title does not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted. Estate of owner registered with a qualified title

- (2) The registered owner of land with a qualified title may at any time apply to the proper master of titles to be registered as owner of the land with an absolute title, but the applicant shall not be so registered unless the director of titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement, or unless a bond or covenant is furnished as provided by subsection 11 of section 60. Change from qualified title to absolute title

R.S.O. 1960,
c. 204, s. 60,
subs. 1,
amended

17.—(1) Subsection 1 of section 60 of *The Land Titles Act* is amended by inserting after “fund” in the first line “to be known as The Land Titles Assurance Fund”, so that the subsection shall read as follows:

Land Titles
Assurance
Fund

- (1) An assurance fund, to be known as The Land Titles Assurance Fund, shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud, or by reason of a misdescription, omission or other error in a certificate of ownership of land or of a charge or in an entry on the register.

R.S.O. 1960,
c. 204, s. 60,
subs. 5,
amended

(2) Subsection 5 of the said section 60 is amended by striking out “Assurance Fund under *The Land Titles Act*” in the fourth and fifth lines and inserting in lieu thereof “The Land Titles Assurance Fund Account”, so that the subsection shall read as follows:

To be paid
into court
and invested

- (5) Subject to the rules, moneys payable under this section shall be paid into court, with the privy of the Accountant of the Supreme Court, and shall be placed to the credit of an account entitled “The Land Titles Assurance Fund Account” and, subject to subsection 6, shall be invested from time to time under the direction of the court, and the interest or income derived therefrom shall be credited to the same account.

R.S.O. 1960,
c. 204, s. 60,
subs. 7,
re-enacted

(3) Subsection 7 of the said section 60 is repealed and the following substituted therefor:

No fee for
direction

- (7) No fee is payable for a direction to receive the amount to be paid into the Assurance Fund.

R.S.O. 1960,
c. 204, s. 60,
amended

(4) The said section 60 is amended by adding thereto the following subsection:

Contribution
on registra-
tion of
newly-
patented
land

- (12) Notwithstanding subsection 2, the amount payable into the Assurance Fund on the registration of newly-patented land under section 35 or 36 is \$1, irrespective of the amount paid to the Crown for the land, but a patentee of land mentioned under section 64 may pay an additional amount in section 61, as though he were a person taking a transfer.

R.S.O. 1960,
c. 204, s. 62,
amended

18.—(1) Section 62 of *The Land Titles Act* is amended by adding thereto the following subsection:

SECTION 17—Subsections 1 and 2. These amendments give the assurance fund under the Act a specific name to distinguish it from the assurance fund under *The Certification of Titles Act*.

Subsection 3. The provision is brought into line with practice.

Subsection 4. This provision is new. It provides for the payment into The Land Titles Assurance Fund of \$1 on registrations of newly-patented lands.

SECTION 18. This new provision will require interest on The Land Titles Assurance Fund in respect of a year to be paid into the Consolidated Revenue Fund in the next following year.

SECTION 19. An obsolete reference to certain rules is deleted.

SECTION 20. The section is re-enacted in order to bring it into line with existing practice.

SECTION 21. This section is designed to complement and clarify section 74 of the Act.

- (5) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, pay over to the Treasurer of Ontario to the credit of the Consolidated Revenue Fund the amount of interest that was credited to The Land Titles Assurance Fund during the calendar year first mentioned. Interest on Fund

(2) The first payment under subsection 5 of the said section 62, as enacted by subsection 1, shall be made so soon as First payment may be after the 1st day of June, 1962.

19. Subsection 1 of section 66 of *The Land Titles Act* is R.S.O. 1960, c. 204, s. 66, amended amended by striking out "subject to the rules respecting the number of persons to be registered in respect of the same land" in the fifth, sixth and seventh lines, so that the subsection shall read as follows:

- (1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land may apply to the proper master of titles to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered. Registration of part owners

20. Section 70 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 70, re-enacted

70.—(1) Where registered land is transferred to trustees under *The Religious Institutions Act*, they shall be registered in their corporate name without setting out the purposes or trusts on which the land is held. Registration of trustees under R.S.O. 1960, c. 351

- (2) A person who has been appointed as a trustee under the *Bankruptcy Act* (Canada) or under any other Act of Canada or Ontario or by the court, upon proof of his entitlement satisfactory to the proper master of titles, may be registered as the owner of registered land or of an interest therein, and he may transfer the same upon proof of compliance with the Act or order under which he was appointed. Registration of other trustees R.S.O. 1960, c. 14

21. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

Meaning of
"vest" or
"belong"

74a.—(1) Where by an order of a court of competent jurisdiction or where by virtue of the operation of an Act of Canada or Ontario registered land or any interest therein is stated by the order or Act to vest, be vested or become vested in, or belong to, the Crown in right of Canada or Ontario or any person other than the registered owner of the land, the registered owner shall be deemed for the purposes of this Act to remain the owner thereof,

(a) until an application to be registered as owner is made by or on behalf of the Crown or other person in or to whom the land is stated to be vested or to belong; or

(b) until the land is transferred to the Crown or person by the registered owner,

as the case may be, in accordance with the order or Act.

Saving
R.S.O. 1960,
c. 171

(2) Subsection 1 does not apply to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act.

R.S.O. 1960,
c. 204, s. 77,
amended

22. Section 77 of *The Land Titles Act* is amended by adding thereto the following subsections:

Department
of Highways
register

(2) For the purposes of subsection 1, the Department of Highways register mentioned in clause *b* of subsection 1 of section 172 shall be deemed to be a book kept for the entry of instruments.

Trans-
Canada
Pipe Line
register

(3) Subject to the rules, the Trans-Canada Pipe Line register established under clause *b* of subsection 1 of section 172 shall be deemed to be a register of the title of land or interests therein, including easements, owned by Trans-Canada Pipe Lines Limited or Northern Ontario Pipe Line Crown Corporation for the purposes of this Act.

R.S.O. 1960,
c. 204,
amended

23. *The Land Titles Act* is amended by adding thereto the following sections:

Amendment
of register

79a. Upon the application of the registered owner, any entry in the register of his title may be amended by the proper master of titles to reflect the effect of other statutes or orders of the court or a change in the name of the owner, or such other changes as have occurred in fact.

SECTION 22. These new subsections are designed to clarify the effect of the registration of highway plans and pipe line plans.

SECTIONS 23 and 24. These new provisions bring the Act into line with existing practices.

SECTION 25. This new subsection is designed to clarify the meaning of "registered owner" as used in subsection 1.

79b. In respect of the first registration of land or any subsequent registration of an instrument under this Act, the proper master of titles may require such proof as he considers sufficient, or as is prescribed by the director of titles, of compliance with any Act of Canada or Ontario that if not complied with would affect the title of the first registered owner or the title or interest of the person taking under the subsequent instrument. Proof of compliance with other statutes

79c.—(1) Except as otherwise provided by this Act, every instrument presented for registration by which, when registration thereof is completed, an interest in registered land is created, transferred or terminated shall be deemed to be an application to the proper master of titles to amend the registered title of the land mentioned therein. Instruments deemed applications to amend register

(2) A plan, certificate, order or by-law made under an Act of Canada or Ontario, which when registered has the effect of transferring, vesting or forfeiting registered land or an interest therein, shall be deemed to be an instrument for the purposes of subsection 1. Idem

(3) An agreement or lease or other instrument in respect of which no provision is made by this Act for registration but which is filed in support of or mentioned in a caution, notice of lease or other notice authorized by this Act shall be deemed not to be registered nor to be an instrument for the purposes of subsection 1. Certain instruments not within subs. 1

24. Section 81 of *The Land Titles Act* is amended by adding at the end thereof "but this section does not apply to the execution of a transfer or charge by a corporation", so that the section shall read as follows: R.S.O. 1960, c. 204, s. 81, amended

81. Notwithstanding any statute or rule of law, a charge or transfer of registered land may be duly made by an instrument not under seal and, if so made, the instrument and every agreement, stipulation and condition therein has the same effect for all purposes as if made under seal, but this section does not apply to the execution of a transfer or charge by a corporation. Charges and transfers may be made without seal

25. Section 83 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 83, amended

Application
of subs. 1

- (2) In subsection 1, "registered owner" means the registered owner of freehold or leasehold land or of a charge.

R.S.O. 1960,
c. 204, s. 91,
re-enacted

26. Section 91 of *The Land Titles Act* is repealed and the following substituted therefor:

Interpre-
tation

91.—(1) In this section,

- (a) "owner to uses" means a transferee registered under a transfer to uses;
- (b) "transfer to uses" means a transfer expressed to be given to such uses as the transferee may appoint by transfer, charge or will;
- (c) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Transfer to
uses may be
registered

- (2) A transfer to uses may be registered.

Exercise of
power of
appointment

- (3) An owner to uses may exercise his power of appointment by a transfer or charge in the prescribed form or by his will.

Charge does
not exhaust
power

- (4) An appointment by way of charge by an owner to uses does not exhaust his power of appointment.

Effect of
cessation of
charge

- (5) Notwithstanding the registration of a cessation of a charge,

(a) which was made by way of appointment by the owner to uses; or

(b) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the charge had not been made.

Effect of
default of
appointment

- (6) An owner to uses who dies without having exercised his power of appointment by transfer, charge or will shall be deemed to have appointed the land by way of transfer to himself immediately before his death.

Idem

- (7) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of charge and who dies without having appointed by way of transfer or will shall be

SECTION 26. The intent of the section is clarified.

SECTION 27. This section is a transfer to the Act in a revised form of a provision that heretofore has appeared in the rules.

deemed to have appointed the unencumbered interest in the land by way of transfer to himself immediately before his death.

- (8) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses. No inchoate dower right

- (9) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death. Where widow entitled to dower

27. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

91a.—(1) A transfer or charge in which the transferee or chargee is a corporation, other than a municipal corporation or a corporation that was incorporated by an Act of Canada or Ontario, shall not be registered unless, Registration of letters patent of incorporation

(a) the letters patent of incorporation of the corporation; or

(b) a licence under which the corporation is empowered to hold land in Ontario,

or a notarial copy thereof, is registered in the companies register or other register kept in the office of land titles for the registration of such instruments.

- (2) Where the name of a corporation within the purview of subsection 1 has been changed or where the corporation has been amalgamated with or absorbed by another corporation, the letters patent effecting the change, or a notarial copy thereof, shall be registered before the registration of any transfer or charge given by or to the changed corporation. Supplementary letters patent

- (3) A transfer or charge in which the transferee or chargee is a corporation that was incorporated by an Act of Canada or Ontario shall not be registered until the proper master of titles is satisfied of the fact of such incorporation. Where incorporation by special Act

- (4) A transfer or charge in which the transferee or chargee is a corporation, other than a corporation that was incorporated by or under an Act of Ontario or Licence to hold land

Quebec, shall not be registered, unless the licence under which the corporation is empowered to hold land in Ontario, or a notarial copy thereof, is registered under subsection 1 or unless the corporation is permitted by law to own land or charges on land in Ontario without a licence.

Compared
copy of
letters
patent

- (5) The proper master of titles may register a copy compared by him with the original letters patent in lieu of a notarial copy thereof.

R.S.O. 1960,
c. 204, s. 97,
amended

28. Section 97 of *The Land Titles Act* is amended by adding thereto the following subsections:

Notices

- (3) A notice to a subsequent encumbrancer or execution creditor shall allow him not less than fifteen days, exclusive of the day upon which the notice was served, during which he may serve upon the proper master of titles and on the chargee intending to exercise his power of sale a notice of intention to redeem the land, and, if the notice of intention is served within the time allowed, the subsequent encumbrancer may redeem the land upon payment in full of all moneys payable under the charge within such period, not less than thirty days from the date of service of the notice of intention to redeem, as may be allowed by the proper master of titles.

Reference to
R.S.O. 1960,
c. 245,
Part II-A

- (4) The requirements of this section are in addition to those in Part II-A of *The Mortgages Act*, and, in case of conflict, this section prevails.

R.S.O. 1960,
c. 204, s. 99,
amended

29. Section 99 of *The Land Titles Act* is amended by adding thereto the following subsection:

Transfer of
charge may
include pro-
vision to
re-transfer

- (8) A charge of a charge shall not be registered, but a charge may be transferred subject to a provision to re-transfer it to the transferor of the charge upon the payment of a sum of money either with or without interest, or upon the performance of any other condition, and, until the charge has been re-transferred, the transferee of the charge shall for the purposes of this Act be deemed to be the absolute owner thereof.

R.S.O. 1960,
c. 204,
s. 109,
subs. 8,
re-enacted

30. Subsection 8 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Priorities
under leases

- (8) Subject to paragraph 4 of subsection 1 of section 51 and except where the person claiming an interest under a lease or agreement for a lease of which interest

SECTION 28. A specific minimum period of time is given. The present common law rule is "within a reasonable time".

SECTION 29. This amendment transfers to the Act the existing practice contemplated by the rules.

SECTION 30. The subsection is re-enacted to bring it into line with the preceding subsection.

SECTION 31. This amendment transfers to the Act a provision heretofore in the rules. Subsection 2 is similar in principle to section 116.

SECTION 32—Subsection 1. The intent of the provision is clarified.

a notice has been registered has actual notice of another interest under the lease or agreement for a lease or under another lease or agreement for a lease, the first-mentioned interest under the lease or under the agreement for a lease takes priority over one of which a notice has not been registered.

31. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

120a.—(1) The proper master of titles may issue to any person entitled to inspect the register of title a certificate of search in the prescribed form or in such form as may be authorized by the director of titles. Certificate
of search

(2) A certificate of search is *prima facie* evidence of the matters therein contained. Idem

32.—(1) Subsection 1 of section 122 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 122,
subs. 1,
re-enacted

(1) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. Registration
of conditions
and restric-
tions, on
application

(1a) The proper master of titles may register as annexed to the land a covenant, condition or restriction that is included in a transfer of registered land that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition, restriction or covenant running with or capable of being legally annexed to land. Registration
of covenants,
conditions
and restric-
tions, on
transfer

(1b) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a covenant that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other covenant running with or capable of being legally annexed to land. Registration
of covenants,
on applica-
tion

(1c) A covenant shall not be registered under subsection 1b unless, Idem

- (a) the covenantor is the owner of the land to be burdened by the covenant;
- (b) the covenantee is a person other than the covenantor;
- (c) the covenantee owns land to be benefited by the covenant and that land is mentioned in the covenant; and
- (d) the covenantor signs the application to assume the burden of the covenant.

R.S.O. 1960,
c. 204,
s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsections:

Deletion
from register
after 40
years

- (6) Where a condition, restriction or covenant has been registered as annexed to or running with land and no period or date was fixed for its expiry, the entry of the condition, restriction or covenant may be deleted from the register by the proper master of titles upon an application being made by any person interested in the land at any time after forty years after the condition, restriction or covenant was registered, and the condition, restriction or covenant thereupon ceases to be enforceable.

Effect of
conditions
and restric-
tions

- (7) Where a condition or restriction has been registered as annexed to land, the condition or restriction is as binding upon any person who becomes the registered owner of the land or a part thereof as if the condition or restriction had been in the form of a covenant entered into by the person who was the registered owner of the land at the time of the registration of the condition or restriction.

R.S.O. 1960,
c. 204,
s. 132,
amended

33. Section 132 of *The Land Titles Act* is amended by striking out "daip" in the seventh line and inserting in lieu thereof "paid".

R.S.O. 1960,
c. 204,
s. 135,
subs. 1,
re-enacted

34. Subsection 1 of section 135 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of caution

- (1) A person claiming to have an interest in registered land or in a registered charge of which he is not the registered owner may apply to the proper master of titles for the registration of a caution to the effect that no dealing with the land or charge be had on the part of the registered owner or other

Subsection 2. The new subsection 6 will permit the deletion of certain restrictive covenants that have been registered for more than 40 years.

The new subsection 7 is designed to clarify the preceding subsections.

SECTION 33. A typographical error is corrected.

SECTION 34. The intent of the provision is clarified and brought into line with judicial interpretation.

SECTION 35. The intent is clarified in line with existing practice.

SECTION 36. The new subsection reflects the existing practice.

SECTION 37. Subsections 8 and 9 bring the Act into line with recent amendments to *The Execution Act*.

Subsection 10 reflects the existing practice.

person named in the caution until notice has been served upon the cautioner in accordance with the rules.

35. Section 136 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 136,
amended

- (4a) If the cautioner appears before the proper master of titles at the time and place mentioned in the notice served under subsection 3 but fails to satisfy the proper master of titles that the caution should continue, the proper master of titles may order that the entry of the caution be deleted from the register after the expiry of the prescribed number of days during which notice of an appeal may be served, and, if a copy of a notice of appeal is not served upon the proper master of titles within the prescribed number of days, the proper master of titles may delete the entry of the caution from the register, and thereupon the caution ceases to have effect and the land or charge mentioned in the caution may be dealt with as if no caution had been registered. Where
cautioner
appears

36. Section 143 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960
c. 204,
s. 143,
amended

- (2) An agreement of purchase and sale or an assignment thereof shall not be registered, but a person claiming an interest in registered land under such an agreement may register a caution subject to the same conditions as in other cases. Agreement
of purchase
may be
protected
by caution

37. Subsection 8 of section 145 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960
c. 204,
s. 145,
subs. 8,
re-enacted

- (8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ, and of that amount the sheriff shall pay over \$1 to the proper master of titles. Fee

- (9) No additional fee is payable to the sheriff or to the proper master of titles in respect of a certificate under section 9b of *The Execution Act*. No fee under
R.S.O. 1960,
c. 126, s. 9b

- (10) Notwithstanding subsection 2 of section 3 of *The Bail Act*, copies of certificates of liens under that Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section. Liens for
bail
R.S.O. 1960,
c. 28

R.S.O. 1960,
c. 204,
s. 152,
amended

38. Section 152 of *The Land Titles Act* is amended by inserting after "court" in the second line "or under subsection 11 of section 153", so that the section shall read as follows:

Alteration
of registered
description
of land

152. No alteration shall be made in the registered description of land, except under an order of the court or under subsection 11 of section 153 or under section 167 or by way of explanation, but this section does not extend to registered dealings with registered land in separate parcels, although the land was originally registered as one parcel.

R.S.O. 1960,
c. 204,
amended

39. *The Land Titles Act* is amended by adding thereto the following sections:

Order
prohibiting
dealings
until plan
registered

154a.—(1) The director of titles may, upon the request of the proper master of titles, issue an order prohibiting any dealing by way of transfer or charge with registered land until a plan of subdivision of the land is registered by the registered owner of the land, and, after the entry of the prohibiting order in the register for the parcel or parcels affected, no transfer or charge of the land shall be registered unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the land is described in accordance with and is within a reference plan of survey deposited for record under section 157;
- (c) the transfer or charge deals with the whole of a parcel according to the parcel register;
- (d) the transfer or charge deals with the whole of that part remaining to the registered owner of a parcel according to the parcel register; or
- (e) the director of titles endorses his consent to registration on the transfer or charge.

No prohibi-
tion in
certain cases

(2) The director of titles shall not issue an order under subsection 1 prohibiting dealings with land shown on a registered plan of subdivision or part thereof unless,

- (a) the plan has been registered for eight or more years; and

SECTION 38. This amendment eliminates the possibility of conflict with section 153 (11).

SECTION 39. The first of these new sections gives the director of titles powers similar to those of the Inspector of Legal Offices under section 96 of *The Registry Act*. The second gives the director of titles powers similar to those of the Inspector of Legal Offices under section 94 of *The Registry Act* with respect to municipal plans. The third incorporates section 92 of *The Registry Act*.

SECTION 40. Subsection 3 is new. This provision is transferred to a more appropriate place in the Act. It was formerly section 157 (4).

SECTION 41. The scope of the provision is extended to include territorial districts.

(b) each of the lots or blocks affected by the order,

(i) contains not less than one acre, or

(ii) has been divided into more than two parcels or parts of parcels.

(3) The director of titles may at any time by order withdraw or modify an order issued under subsection 1, and the subsequent order shall be registered against the parcels to be affected thereby, and the subsequent order shall thereupon be effective according to its nature and intent. Withdrawal or modification of prohibition

(4) An order under this section is exempt from *The Regulations Act*. Order exempt under R.S.O. 1960, c. 349

154b. Subsections 1 to 10 of section 94 of *The Registry Act* apply *mutatis mutandis* to land registered under this Act, except that the director of titles has and may exercise the powers of the Inspector under those subsections. Application of R.S.O. 1960, c. 343, s. 94, subss. 1-10

154c. Section 92 of *The Registry Act* applies *mutatis mutandis* to land registered under this Act. Application of R.S.O. 1960, c. 343, s. 92

40. Section 155 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 155, amended

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated upon a duplicate of the plan so deposited, and the plan so prepared shall be certified by an Ontario land surveyor. Subsequent severance

41. Subsections 1, 2, 3 and 4 of section 157 of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 157, subss. 1-4, re-enacted

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of survey of the land certified by an Ontario land surveyor, to be known as a reference plan of survey, has been deposited for record in the proper office of land titles. Reference plan required in certain cases

(2) Subsection 1 does not apply to a transfer or charge, Saving

(a) of the whole of a registered parcel of land according to the parcel register;

(b) of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision or composite plan; or

(c) of the whole of a part according to a previously recorded reference plan of survey.

Idem

(3) The proper master of titles, having regard to the circumstances, may order that subsection 1 does not apply in the case of a transfer or charge mentioned in the order.

Withdrawal
of plan

(4) A plan recorded under this section may be withdrawn by the owner or owners of all the land shown on the plan unless a transfer or charge has been registered in accordance with the plan.

R.S.O. 1960,
c. 204,
s. 161,
subs. 2,
amended

42. Subsection 2 of section 161 of *The Land Titles Act* is amended by striking out "with respect to areas of subdivision control" in the third and fourth lines, so that the subsection shall read as follows:

Where
R.S.O. 1960,
c. 296, does
not apply

(2) Plans of subdivision registered under section 154 and composite plans registered under section 155 are not subject to the provisions of *The Planning Act*.

R.S.O. 1960,
o. 204,
s. 162,
subs. 1,
re-enacted

43. Subsection 1 of section 162 of *The Land Titles Act* is repealed and the following substituted therefor:

When
registered
plan not
binding

(1) No registered plan is binding on the person who registered it or upon any other person, unless a transfer or charge in which the land is described in accordance with the plan has been registered.

How
registered
plan may
be amended

(1a) Upon the application of the person by whom the plan was registered or of his assigns, or of the owner for the time being of land within the plan, amendments or alterations may be authorized or ordered to be made to a registered plan,

(a) by the court or a judge thereof;

(b) by the director of titles;

(c) where the land is not in the County of York including The Municipality of Metropolitan Toronto, by a judge of the county or district court of the county or district in which land shown on the plan is situate; or

SECTIONS 42 and 43. The intent is clarified.

SECTION 44. Self-explanatory.

SECTION 45. The section is brought up to date.

- (d) where the land is situate in the County of York including The Municipality of Metropolitan Toronto, by the master of titles.

44.—(1) *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

172a. The Lieutenant Governor in Council may make regulations prescribing a code of standards and procedure for surveys and plans of registered land. Power to
make
regulations

(2) The Code of Standards and Procedure for Surveys and Plans prescribed by the regulations shall be deemed to have been made under section 172a of *The Land Titles Act*, as enacted by subsection 1 of this section, and to have been in force by virtue thereof on and after the 5th day of May, 1958. Ratification
of O. Reg.
111/58

45. Section 175 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 175,
re-enacted

175.—(1) Every instrument received and accepted for registration under this Act by the proper master of titles shall be retained in the custody of the proper master of titles in his office. Custody of
registered
documents

(2) Only the registered owner of land or of a charge or other person claiming an interest therein or lien thereupon or a solicitor acting for or an agent authorized in writing by such owner or other person has a right to inspect the parcel register for or any transfer, charge or other instrument affecting the land. Right of
owner and
others to
inspect

(3) Subsection 2 does not preclude inspection of parcel registers or instruments by, Inspection.

- (a) an employee of the Government of Canada or Ontario that requires information for use by the Government; for govern-
mental
purposes
- (b) a member of or person employed by a municipal corporation or statute labour board or school board that requires information for assessment purposes; for municipal
purposes
- (c) an Ontario land surveyor who requires information for survey purposes; or by surveyor
- (d) any other person or class of persons to whom permission is given by the proper master of titles. by other
persons

Fees payable
on inspection

- (4) Subsection 3 does not permit the inspection of registers or instruments without payment of the prescribed fees, except where so specified by any other Act or by the proper master of titles.

Destruction
of certain
instruments

- (5) Notwithstanding subsection 1, an instrument may be destroyed by or under the authority of the proper master of titles,

(a) when it has been superseded by entries in the register; or

(b) when it has been completely recorded photographically and the photographic reproduction is retained and made available for inspection under this section.

R.S.O. 1960,
c. 204,
s. 177,
subs. 2,
re-enacted

46. Subsection 2 of section 177 of *The Land Titles Act* is repealed and the following substituted therefor:

Fees

- (2) A fee of 20 cents shall be paid by the municipality to the proper master of titles for the entry of every transfer, charge or lease in a list furnished under subsection 1.

Application
of
R.S.O. 1960,
c. 204, s. 34,
subss. 1, 7, 8

47. Subsections 1, 7 and 8 of section 34 of *The Land Titles Act*, as enacted by section 11 of this Act, apply in the case of every application made under a predecessor of the said subsection 1 as if such subsections had been so enacted at the time such applications were made.

Commence-
ment

48. This Act comes into force on the 1st day of June, 1962.

Short title

49. This Act may be cited as *The Land Titles Amendment Act, 1961-62*.

SECTION 46. The charge is increased from 10 cents to 20 cents per instrument.

SECTION 47. Pending applications are validated.

1840-1841. The first year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1842-1843. The second year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1844-1845. The third year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1846-1847. The fourth year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1848-1849. The fifth year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1850-1851. The sixth year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1852-1853. The seventh year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

1854-1855. The eighth year of the war, the British were victorious in the battle of the Marston. The British were victorious in the battle of the Marston.

An Act to amend
The Land Titles Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 120

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Land Titles Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

The following are the names of the persons who have been admitted to the office of the Secretary of the Board of Education, since the last report of the Board.

For the year ending the 31st of March 1871.

Name	Age	Sex	Religion	Profession
John Smith	25	Male	Roman Catholic	Teacher
Mary Jones	22	Female	Roman Catholic	Teacher
James Brown	28	Male	Roman Catholic	Teacher
Elizabeth White	20	Female	Roman Catholic	Teacher
Thomas Green	24	Male	Roman Catholic	Teacher

BILL 120

1961-62

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 1,
cl. *k*,
re-enacted

(*k*) "regulations" in Part VIII means the code of standards and procedure for surveys and plans prescribed by the regulations made under section 172*a*.

2. Section 2 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 2,
re-enacted

2.—(1) This Act applies to,

Application
of Act to
districts
and counties

- (*a*) every provisional judicial district, including every local municipality in a provisional judicial district;
- (*b*) the County of York, including every local municipality in the County and The Municipality of Metropolitan Toronto;
- (*c*) the County of Elgin, including every local municipality in the County;
- (*d*) the County of Ontario, including every local municipality in the County;
- (*e*) the County of Carleton, including every local municipality in the County;
- (*f*) the County of Lincoln, including every local municipality in the County;

(g) the United Counties of Prescott and Russell, including every local municipality in the United Counties;

(h) the County of Halton, including every local municipality in the County,

and such other counties, cities and separated towns to which this Act is extended under section 3.

Continuation of registry offices

(2) The registry offices heretofore established for the provisional judicial districts and for the counties and cities to which this Act applies are continued.

R.S.O. 1960, c. 204, s. 5, amended

3.—(1) Section 5 of *The Land Titles Act* is amended by adding thereto the following subsection:

Saving

(2a) Subsections 1 and 2 do not apply to any county, city or town, except the County of York including The Municipality of Metropolitan Toronto, until such time as the Lieutenant Governor in Council so orders.

R.S.O. 1960, c. 204, s. 5, subs. 6, repealed

(2) Subsection 6 of the said section 5 is repealed.

R.S.O. 1960, c. 204, s. 7, subs. 2, 3, re-enacted; subs. 4, repealed

4. Subsections 2, 3 and 4 of section 7 of *The Land Titles Act* are repealed and the following substituted therefor:

Deputy director of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act administered by the director of titles.

Assistant deputy directors of titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act administered by the director of titles as the director of titles directs.

R.S.O. 1960, c. 204, s. 8, subs. 2, re-enacted

5.—(1) Subsection 2 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of director

(2) In addition to the powers and duties prescribed by this Act and by the rules and regulations, the

director of titles may inform and advise the proper master of titles in respect of the manner in which he shall perform any particular act.

(2) The said section 8 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 8,
amended

(8) Any order of the director of titles shall, upon his request, be registered, without fee, by the proper master of titles, who shall make such entries in or amendments to the register of the title of the land affected by the order as may be required by the director in his order. Registration
of order of
director

(9) Where a dispute arises with respect to any fee payable under this Act to the proper master of titles which cannot be settled by him to the satisfaction of the person by whom the fee is payable in the first instance, the proper master of titles shall immediately notify the director of titles of the dispute, and thereupon the director shall determine the amount of the fee to be paid, taking into account any unusual circumstance, and he is not bound by the prescribed schedule of fees, and the written decision of the director thereupon is final but subject to appeal by such person, as provided by section 29, if notice of the appeal is served upon the proper master of titles within fifteen days after receipt by such person of the decision. Disputes as
to fees

6. Subsection 2 of section 9 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 9,
subs. 2,
re-enacted

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the senior deputy master of titles, and the person so appointed shall act under the supervision of the master of titles or shall act as master of titles in the absence of the master of titles, and, when acting in the absence of the master of titles, the senior deputy master of titles has and may exercise and perform the powers and duties of the master of titles. Senior
deputy
master of
titles

7. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

10a.—(1) The Lieutenant Governor in Council may appoint one or more deputies of a local master of titles who shall act under the supervision of the local master of titles, and the deputy, or, where more than Appoint-
ment of
deputy of
local master
of titles

one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles in the absence of the local master of titles, and, when so acting, a deputy has and may exercise and perform the powers and duties of the local master of titles.

Death or
resignation
of local
master of
titles

- (2) When a local master of titles dies or resigns, the deputy, or, where more than one deputy has been appointed, the deputy who is senior in appointment, shall act as local master of titles until a local master of titles is appointed.

R.S.O. 1960,
c. 204, s. 12,
subs. 2,
amended

8. Subsection 2 of section 12 of *The Land Titles Act* is amended by inserting after "appointed" in the first line "under subsection 3 of section 5", so that the subsection shall read as follows:

Qualifica-
tions

- (2) The person appointed under subsection 3 of section 5 may, in the discretion of the Lieutenant Governor in Council, be a judge of a county or district court, a barrister or a solicitor, whether practising or not, or a registrar or a deputy local master of titles having five years practice in a land titles office.

R.S.O. 1960,
c. 204, s. 28,
subs. 1,
amended

9. Subsection 1 of section 28 of *The Land Titles Act* is amended by inserting after "a" in the third line "certified", so that the subsection shall read as follows:

Court order
to be
obeyed

- (1) Officers appointed under this Act shall obey the order of any competent court in relation to registered land on being served with the order or a certified copy thereof.

R.S.O. 1960,
c. 204, s. 33,
subs. 5,
re-enacted

10. Subsection 5 of section 33 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of Crown
as owner

- (5) Subject to subsection 4 of section 47 and to section 48, the proper master of titles may, upon an application made by or on behalf of any minister of the government of Canada or Ontario, register under this Act any land claimed to be owned by Her Majesty the Queen in right of Canada or Ontario, as the case may be, notwithstanding that the land had not previously been granted by the Crown.

R.S.O. 1960,
c. 204, s. 34,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 34 of *The Land Titles Act* is repealed and the following substituted therefor:

Application
by municip-
al council

- (1) The council of any municipality to which this Act applies may by by-law authorize an application to

be made to the proper master of titles to have any land that is within the municipality registered under this Act.

(2) The said section 34 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 204, s. 34,
amended

- (6) The proper master of titles shall not proceed with an application under this section without the consent of the director of titles. Consent of
director
- (7) The Lieutenant Governor in Council may determine the amount of fees to be paid to the proper master of titles and to the director of titles on an application under this section. Registration
fees
- (8) Notwithstanding section 60, the Lieutenant Governor in Council may determine the amount to be paid into The Land Titles Assurance Fund by a municipality on an application under this section, and the amount shall be deemed to be costs of the application for the purposes of subsection 3. Payment to
Assurance
Fund
- (9) The Attorney General may apply under this section as agent of the owners and other persons having interests in any land designated by him that is not within a municipality, and subsections 2, 3, 4, 5, 7 and 8 apply *mutatis mutandis*. Application
by Attorney
General
where land
not in a
municipality

12. Section 40 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 40,
re-enacted

- 40.—(1) Where on an application for first registration it appears that the applicant is so entitled by virtue of length of possession of the land, he may be registered as the owner of the land with a possessory title. Possessory
title may be
registered
- (2) Subject to the approval of the director of titles, an applicant for first registration whose claim to ownership is based upon length of possession of the land may be registered as the owner in fee simple with an absolute title of the land. Absolute
title based on
possession

13. Subsection 3 of section 41 of *The Land Titles Act* is repealed. R.S.O. 1960,
c. 204, s. 41,
subs. 3,
repealed

14. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

Notice

44a. A notice of an application for first registration is sufficiently served upon an owner, mortgagee or chargee, or his assignee, of land adjoining the land of or claimed by the applicant for first registration if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of this Act or section 45 of *The Registry Act*, or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge or assignment thereof under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land.

R.S.O. 1960,
c. 348

R.S.O. 1960,
c. 204, s. 51,
subs. 1,
par. 11,
re-enacted

15.—(1) Paragraph 11 of subsection 1 of section 51 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296

11. Section 26 of *The Planning Act* in respect of any by-law passed thereunder which affects registered land not within a registered plan of subdivision where a copy of the by-law has been deposited under subsection 8 of that section and the other requirements of that section have been complied with, but this paragraph does not apply to land in a subdivision plan area under section 154 or to land shown on a composite plan under section 155.

R.S.C. 1952,
c. 234

12. Where the registered owner is or a previous registered owner was a railway company, any interest which may be or may have been created by any instrument deposited in the office of the Secretary of State of Canada under section 139 of the *Railway Act* (Canada), but, where the previous registered owner was a railway company, this paragraph does not apply to a subsequent registered owner, except a railway company, unless a note of the previous ownership of the land by the railway company has been entered in the title register.

R.S.O. 1960,
c. 204, s. 51,
amended

(2) The said section 51 is amended by adding thereto the following subsections:

Where owner
of adjoining
land has
no right

(3) A parcel of land registered under this Act is not subject to paragraph 3 of subsection 1 if a notice of the application for first registration that contained an accurate description of the parcel, or of a former larger parcel of which the parcel is a part, was served upon the person who at the time of giving the notice

was the owner, mortgagee, chargee or purchaser, or his assignee, under a registered instrument of adjoining land and no objection to the first registration was filed with the proper master of titles within the time allowed by the notice.

- (4) Paragraph 6 of subsection 1 does not confer upon a person claiming a mechanic's lien any greater right than he would have if the land were registered under *The Registry Act*. Application of subs. 1, par. 6
R.S.O. 1960, c. 348
- (5) No order made under clause *b* of subsection 1 of section 27 of *The Planning Act* affects the title of an owner of registered land or the interest of any person therein as appearing in the register unless a copy of the order has been deposited or registered in the manner required for the deposit or registration of by-laws under subsections 8 and 9 of section 26 of *The Planning Act* before the registration of the transfer or other instrument under which ownership or another interest was acquired. Effect of non-registration under R.S.O. 1960, c. 296, s. 27, subs. 1, cl. b
- (6) The title of the registered owner for the time being of land or of a charge is subject to enforceable writs of execution against him that have been recorded under section 145, but no writ of execution against a prior registered owner is enforceable in respect of the land or charge unless a note of such writ has been entered in the title register. Writs of execution

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

- 52a.—(1) The registration of a person as first registered owner with a qualified title has the same effect as the registration of such person with an absolute title, except that registration with a qualified title does not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted. Estate of owner registered with a qualified title
- (2) The registered owner of land with a qualified title may at any time apply to the proper master of titles to be registered as owner of the land with an absolute title, but the applicant shall not be so registered unless the director of titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement, or unless a bond or covenant is furnished as provided by subsection 11 of section 60. Change from qualified title to absolute title

R.S.O. 1960,
c. 204, s. 60,
subs. 1,
amended

17.—(1) Subsection 1 of section 60 of *The Land Titles Act* is amended by inserting after “fund” in the first line “to be known as The Land Titles Assurance Fund”, so that the subsection shall read as follows:

Land Titles
Assurance
Fund

- (1) An assurance fund, to be known as The Land Titles Assurance Fund, shall be formed for the indemnity of persons who may be wrongfully deprived of land or some estate or interest therein by reason of the land being brought under this Act, or by reason of some other person being registered as owner through fraud, or by reason of a misdescription, omission or other error in a certificate of ownership of land or of a charge or in an entry on the register.

R.S.O. 1960,
c. 204, s. 60,
subs. 5,
amended

(2) Subsection 5 of the said section 60 is amended by striking out “Assurance Fund under *The Land Titles Act*” in the fourth and fifth lines and inserting in lieu thereof “The Land Titles Assurance Fund Account”, so that the subsection shall read as follows:

To be paid
into court
and invested

- (5) Subject to the rules, moneys payable under this section shall be paid into court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account entitled “The Land Titles Assurance Fund Account” and, subject to subsection 6, shall be invested from time to time under the direction of the court, and the interest or income derived therefrom shall be credited to the same account.

R.S.O. 1960,
c. 204, s. 60,
subs. 7,
re-enacted

(3) Subsection 7 of the said section 60 is repealed and the following substituted therefor:

No fee for
direction

- (7) No fee is payable for a direction to receive the amount to be paid into the Assurance Fund.

R.S.O. 1960,
c. 204, s. 60,
amended

(4) The said section 60 is amended by adding thereto the following subsection:

Contribution
on registra-
tion of
newly-
patented
land

- (12) Notwithstanding subsection 2, the amount payable into the Assurance Fund on the registration of newly-patented land under section 35 or 36 is \$1, irrespective of the amount paid to the Crown for the land, but a patentee of land mentioned in section 64 may pay an additional amount under section 61, as though he were a person taking a transfer.

R.S.O. 1960,
c. 204, s. 62,
amended

18.—(1) Section 62 of *The Land Titles Act* is amended by adding thereto the following subsection:

- (5) Where the amount of The Land Titles Assurance Fund exceeds \$500,000 at the beginning of a calendar year, the Accountant of the Supreme Court shall, at the beginning of the following year, pay over to the Treasurer of Ontario to the credit of the Consolidated Revenue Fund the amount of interest that was credited to The Land Titles Assurance Fund during the calendar year first mentioned. Interest on Fund

(2) The first payment under subsection 5 of the said section 62, as enacted by subsection 1, shall be made so soon as First payment may be after the 1st day of June, 1962.

19. Subsection 1 of section 66 of *The Land Titles Act* is amended by striking out "subject to the rules respecting the number of persons to be registered in respect of the same land" in the fifth, sixth and seventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 204, s. 66, subs. 1, amended

- (1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land may apply to the proper master of titles to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered. Registration of part owners

20. Section 70 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 70, re-enacted

- 70.—(1) Where registered land is transferred to trustees under *The Religious Institutions Act*, they shall be registered in their corporate name without setting out the purposes or trusts on which the land is held. Registration of trustees under R.S.O. 1960, c. 351

- (2) A person who has been appointed as a trustee under the *Bankruptcy Act* (Canada) or under any other Act of Canada or Ontario or by the court, upon proof of his entitlement satisfactory to the proper master of titles, may be registered as the owner of registered land or of an interest therein, and he may transfer the same upon proof of compliance with the Act or order under which he was appointed. Registration of other trustees R.S.C. 1952, c. 14

21. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

Meaning of
"vest" or
"belong"

74a.—(1) Where by an order of a court of competent jurisdiction or where by virtue of the operation of an Act of Canada or Ontario registered land or any interest therein is stated by the order or Act to vest, be vested or become vested in, or belong to, the Crown in right of Canada or Ontario or any person other than the registered owner of the land, the registered owner shall be deemed for the purposes of this Act to remain the owner thereof,

(a) until an application to be registered as owner is made by or on behalf of the Crown or other person in or to whom the land is stated to be vested or to belong; or

(b) until the land is transferred to the Crown or person by the registered owner,

as the case may be, in accordance with the order or Act.

Saving
R.S.O. 1960,
c. 171

(2) Subsection 1 does not apply to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act.

R.S.O. 1960,
c. 204, s. 77,
amended

22. Section 77 of *The Land Titles Act* is amended by adding thereto the following subsections:

Department
of Highways
register

(2) For the purposes of subsection 1, the Department of Highways register mentioned in clause *b* of subsection 1 of section 172 shall be deemed to be a book kept for the entry of instruments.

Trans-
Canada
Pipe Line
register

(3) Subject to the rules, the Trans-Canada Pipe Line register established under clause *b* of subsection 1 of section 172 shall be deemed, for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by Trans-Canada Pipe Lines Limited or Northern Ontario Pipe Line Crown Corporation.

R.S.O. 1960,
c. 204,
amended

23. *The Land Titles Act* is amended by adding thereto the following sections:

Amendment
of register

79a. Upon the application of the registered owner, any entry in the register of his title may be amended by the proper master of titles to reflect the effect of other statutes or orders of the court or a change in the name of the owner, or such other changes as have occurred in fact.

79b. In respect of the first registration of land or any subsequent registration of an instrument under this Act, the proper master of titles may require such proof as he considers sufficient, or as is prescribed by the director of titles, of compliance with any Act of Canada or Ontario that if not complied with would affect the title of the first registered owner or the title or interest of the person taking under the subsequent instrument. Proof of compliance with other statutes

79c.—(1) Except as otherwise provided by this Act, every instrument presented for registration by which, when registration thereof is completed, an interest in registered land is created, transferred or terminated shall be deemed to be an application to the proper master of titles to amend the registered title of the land mentioned therein. Instruments deemed applications to amend register

(2) A plan, certificate, order or by-law made under an Act of Canada or Ontario, which when registered has the effect of transferring, vesting or forfeiting registered land or an interest therein, shall be deemed to be an instrument for the purposes of subsection 1. Idem

(3) An agreement or lease or other instrument in respect of which no provision is made by this Act for registration but which is filed in support of or mentioned in a caution, notice of lease or other notice authorized by this Act shall be deemed not to be registered nor to be an instrument for the purposes of subsection 1. Certain instruments not within subs. 1

24. Section 81 of *The Land Titles Act* is amended by adding at the end thereof "but this section does not apply to the execution of a transfer or charge by a corporation", so that the section shall read as follows: R.S.O. 1960, c. 204, s. 81, amended

81. Notwithstanding any statute or rule of law, a charge or transfer of registered land may be duly made by an instrument not under seal and, if so made, the instrument and every agreement, stipulation and condition therein has the same effect for all purposes as if made under seal, but this section does not apply to the execution of a transfer or charge by a corporation. Charges and transfers may be made without seal

25. Section 83 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 83, amended

Application
of subs. 1

- (2) In subsection 1, "registered owner" means the registered owner of freehold or leasehold land or of a charge.

R.S.O. 1960,
c. 204, s. 91,
re-enacted

26. Section 91 of *The Land Titles Act* is repealed and the following substituted therefor:

Interpre-
tation

91.—(1) In this section,

- (a) "owner to uses" means a transferee registered under a transfer to uses;
- (b) "transfer to uses" means a transfer expressed to be given to such uses as the transferee may appoint by transfer, charge or will;
- (c) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Transfer to
uses may be
registered

- (2) A transfer to uses may be registered.

Exercise of
power of
appointment

- (3) An owner to uses may exercise his power of appointment by a transfer or charge in the prescribed form or by his will.

Charge does
not exhaust
power

- (4) An appointment by way of charge by an owner to uses does not exhaust his power of appointment.

Effect of
cessation of
charge

- (5) Notwithstanding the registration of a cessation of a charge,

(a) that was made by way of appointment by the owner to uses; or

(b) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the charge had not been made.

Effect of
default of
appointment

- (6) An owner to uses who dies without having exercised his power of appointment by transfer, charge or will shall be deemed to have appointed the land by way of transfer to himself immediately before his death.

Idem

- (7) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of charge and who dies without having appointed by way of transfer or will shall be

deemed to have appointed the unencumbered interest in the land by way of transfer to himself immediately before his death.

- (8) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses. No inchoate dower right
- (9) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death. Where widow entitled to dower

27. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

91a.—(1) A transfer or charge in which the transferee or chargee is a corporation, other than a municipal corporation or a corporation that was incorporated by an Act of Canada or Ontario, shall not be registered unless, Registration of letters patent of incorporation

(a) the letters patent of incorporation of the corporation; or

(b) a licence under which the corporation is empowered to hold land in Ontario,

or a notarial copy thereof, is registered in the companies register or other register kept in the office of land titles for the registration of such instruments.

- (2) Where the name of a corporation within the purview of subsection 1 has been changed or where the corporation has been amalgamated with or absorbed by another corporation, the letters patent effecting the change, or a notarial copy thereof, shall be registered before the registration of any transfer or charge given by or to the changed corporation. Supplementary letters patent
- (3) A transfer or charge in which the transferee or chargee is a corporation that was incorporated by an Act of Canada or Ontario shall not be registered until the proper master of titles is satisfied of the fact of such incorporation. Where incorporation by special Act
- (4) A transfer or charge in which the transferee or chargee is a corporation, other than a corporation that was incorporated by or under an Act of Ontario or Licence to hold land

Quebec, shall not be registered, unless the licence under which the corporation is empowered to hold land in Ontario, or a notarial copy thereof, is registered under subsection 1 or unless the corporation is permitted by law to own land or charges on land in Ontario without a licence.

Compared
copy of
letters
patent

- (5) The proper master of titles may register a copy compared by him with the original letters patent in lieu of a notarial copy thereof.

R.S.O. 1960,
c. 204, s. 97,
amended

28. Section 97 of *The Land Titles Act* is amended by adding thereto the following subsections:

Notices

- (3) A notice to a subsequent encumbrancer or execution creditor shall allow him not less than fifteen days, exclusive of the day upon which the notice was served, during which he may serve upon the proper master of titles and on the chargee intending to exercise his power of sale a notice of intention to redeem the land, and, if the notice of intention is served within the time allowed, the subsequent encumbrancer may redeem the land upon payment in full of all moneys payable under the charge within such period, not less than thirty days from the date of service of the notice of intention to redeem, as may be allowed by the proper master of titles.

Reference to
R.S.O. 1960,
c. 245,
Part II-A

- (4) The requirements of this section are in addition to those in Part II-A of *The Mortgages Act*, and, in case of conflict, this section prevails.

R.S.O. 1960,
c. 204, s. 99,
amended

29. Section 99 of *The Land Titles Act* is amended by adding thereto the following subsection:

Transfer of
charge may
include pro-
vision to
re-transfer

- (8) A charge of a charge shall not be registered, but a charge may be transferred subject to a provision to re-transfer it to the transferor of the charge upon the payment of a sum of money either with or without interest, or upon the performance of any other condition, and, until the charge has been re-transferred, the transferee of the charge shall for the purposes of this Act be deemed to be the absolute owner thereof.

R.S.O. 1960,
c. 204,
s. 109,
subs. 8,
re-enacted

30. Subsection 8 of section 109 of *The Land Titles Act* is repealed and the following substituted therefor:

Priorities
under leases

- (8) Subject to paragraph 4 of subsection 1 of section 51 and except where the person claiming an interest under a lease or agreement for a lease of which interest

a notice has been registered has actual notice of another interest under the lease or agreement for a lease or under another lease or agreement for a lease, the first-mentioned interest under the lease or under the agreement for a lease takes priority over one of which a notice has not been registered.

31. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

120a.—(1) The proper master of titles may issue to any person entitled to inspect the register of title a certificate of search in the prescribed form or in such form as may be authorized by the director of titles. Certificate
of search

(2) A certificate of search is *prima facie* evidence of the matters therein contained. Idem

32.—(1) Subsection 1 of section 122 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 122,
subs. 1,
re-enacted

(1) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. Registration
of conditions
and restric-
tions, on
application

(1a) The proper master of titles may register as annexed to the land a condition, restriction or covenant that is included in a transfer of registered land that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition, restriction or covenant running with or capable of being legally annexed to land. Registration
of conditions,
restrictions
and
covenants,
on transfer

(1b) Upon the application of the owner of land that is being registered or of the registered owner of land, the proper master of titles may register as annexed to the land a covenant that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other covenant running with or capable of being legally annexed to land. Registration
of covenants,
on applica-
tion

(1c) A covenant shall not be registered under subsection 1b unless, Idem

- (a) the covenantor is the owner of the land to be burdened by the covenant;
- (b) the covenantee is a person other than the covenantor;
- (c) the covenantee owns land to be benefited by the covenant and that land is mentioned in the covenant; and
- (d) the covenantor signs the application to assume the burden of the covenant.

R.S.O. 1960,
c. 204,
s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsections:

Deletion
from register
after 40
years

- (6) Where a condition, restriction or covenant has been registered as annexed to or running with land and no period or date was fixed for its expiry, the entry of the condition, restriction or covenant may be deleted from the register by the proper master of titles upon an application being made by any person interested in the land at any time after forty years after the condition, restriction or covenant was registered, and the condition, restriction or covenant thereupon ceases to be enforceable.

Effect of
conditions
and restric-
tions

- (7) Where a condition or restriction has been registered as annexed to land, the condition or restriction is as binding upon any person who becomes the registered owner of the land or a part thereof as if the condition or restriction had been in the form of a covenant entered into by the person who was the registered owner of the land at the time of the registration of the condition or restriction.

R.S.O. 1960,
c. 204,
s. 132,
amended

33. Section 132 of *The Land Titles Act* is amended by striking out "daip" in the seventh line and inserting in lieu thereof "paid".

R.S.O. 1960,
c. 204,
s. 135,
subs. 1,
re-enacted

34. Subsection 1 of section 135 of *The Land Titles Act* is repealed and the following substituted therefor:

Registration
of caution

- (1) A person claiming to have an interest in registered land or in a registered charge of which he is not the registered owner may apply to the proper master of titles for the registration of a caution to the effect that no dealing with the land or charge be had on the part of the registered owner or other

person named in the caution until notice has been served upon the cautioner in accordance with the rules.

35. Section 136 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 136,
amended

- (4a) If the cautioner appears before the proper master of titles at the time and place mentioned in the notice served under subsection 3 but fails to satisfy the proper master of titles that the caution should continue, the proper master of titles may order that the entry of the caution be deleted from the register after the expiry of the prescribed number of days during which notice of an appeal may be served, and, if a copy of a notice of appeal is not served upon the proper master of titles within the prescribed number of days, the proper master of titles may delete the entry of the caution from the register, and thereupon the caution ceases to have effect and the land or charge mentioned in the caution may be dealt with as if no caution had been registered. Where
cautioner
appears

36. Section 143 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 204,
s. 143,
amended

- (2) An agreement of purchase and sale or an assignment thereof shall not be registered, but a person claiming an interest in registered land under such an agreement may register a caution subject to the same conditions as in other cases. Agreement
of purchase
may be
protected
by caution

37. Subsection 8 of section 145 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 145,
subs. 8,
re-enacted

- (8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ, and of that amount the sheriff shall pay over \$1 to the proper master of titles. Fee

- (9) No additional fee is payable to the sheriff or to the proper master of titles in respect of a certificate under section 9b of *The Execution Act*. No fee under
R.S.O. 1960,
c. 126, s. 9b

- (10) Notwithstanding subsection 2 of section 3 of *The Bail Act*, copies of certificates of liens under that Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section. Liens for
bail
R.S.O. 1960,
c. 28

R.S.O. 1960,
c. 204,
s. 152,
amended

38. Section 152 of *The Land Titles Act* is amended by inserting after "court" in the second line "or under subsection 11 of section 153", so that the section shall read as follows:

Alteration
of registered
description
of land

152. No alteration shall be made in the registered description of land, except under an order of the court or under subsection 11 of section 153 or under section 167 or by way of explanation, but this section does not extend to registered dealings with registered land in separate parcels, although the land was originally registered as one parcel.

R.S.O. 1960,
c. 204,
amended

39. *The Land Titles Act* is amended by adding thereto the following sections:

Order
prohibiting
dealings
until plan
registered

154a.—(1) The director of titles may, upon the request of the proper master of titles, issue an order prohibiting any dealing by way of transfer or charge with registered land until a plan of subdivision of the land is registered by the registered owner of the land, and, after the entry of the prohibiting order in the register for the parcel or parcels affected, no transfer or charge of the land shall be registered unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the land is described in accordance with and is within a reference plan of survey deposited for record under section 157;
- (c) the transfer or charge deals with the whole of a parcel according to the parcel register;
- (d) the transfer or charge deals with the whole of that part remaining to the registered owner of a parcel according to the parcel register; or
- (e) the director of titles endorses his consent to registration on the transfer or charge.

No prohibi-
tion in
certain cases

(2) The director of titles shall not issue an order under subsection 1 prohibiting dealings with land shown on a registered plan of subdivision or part thereof unless,

- (a) the plan has been registered for eight or more years; and

(b) each of the lots or blocks affected by the order,

(i) contains not less than one acre, or

(ii) has been divided into more than two parcels or parts of parcels.

(3) The director of titles may at any time by order withdraw or modify an order issued under subsection 1, and the subsequent order shall be registered against the parcels to be affected thereby, and the subsequent order shall thereupon be effective according to its nature and intent. Withdrawal or modification of prohibition

(4) An order under this section is exempt from *The Regulations Act*. Order exempt under R.S.O. 1960, c. 349

154b. Subsections 1 to 10 of section 94 of *The Registry Act* apply *mutatis mutandis* to land registered under this Act, except that the director of titles has and may exercise the powers of the Inspector under those subsections. Application of R.S.O. 1960, c. 348, s. 94, subs. 1-10

154c. Section 92 of *The Registry Act* applies *mutatis mutandis* to land registered under this Act. Application of R.S.O. 1960, c. 348, s. 92

40. Section 155 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 204, s. 155, amended

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated upon a duplicate of the plan so deposited, and the plan so prepared shall be certified by an Ontario land surveyor. Subsequent severance

41. Subsections 1, 2, 3 and 4 of section 157 of *The Land Titles Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 157, subs. 1-4, re-enacted

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of survey of the land certified by an Ontario land surveyor, to be known as a reference plan of survey, has been deposited for record in the proper office of land titles. Reference plan required in certain cases

(2) Subsection 1 does not apply to a transfer or charge, Saving

(a) of the whole of a registered parcel of land according to the parcel register;

(b) of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision or composite plan; or

(c) of the whole of a part according to a previously recorded reference plan of survey.

Idem

(3) The proper master of titles, having regard to the circumstances, may order that subsection 1 does not apply in the case of a transfer or charge mentioned in the order.

Withdrawal
of plan

(4) A plan recorded under this section may be withdrawn by the owner or owners of all the land shown on the plan unless a transfer or charge has been registered in accordance with the plan.

R.S.O. 1960,
c. 204,
s. 161,
subs. 2,
amended

42. Subsection 2 of section 161 of *The Land Titles Act* is amended by striking out "with respect to areas of subdivision control" in the third and fourth lines, so that the subsection shall read as follows:

Where
R.S.O. 1960,
c. 296, does
not apply

(2) Plans of subdivision registered under section 154 and composite plans registered under section 155 are not subject to the provisions of *The Planning Act*.

R.S.O. 1960,
c. 204,
s. 162,
subs. 1,
re-enacted

43. Subsection 1 of section 162 of *The Land Titles Act* is repealed and the following substituted therefor:

When
registered
plan not
binding

(1) No registered plan is binding on the person who registered it or upon any other person, unless a transfer or charge in which the land is described in accordance with the plan has been registered.

How
registered
plan may
be amended

(1a) Upon the application of the person by whom the plan was registered or of his assigns, or of the owner for the time being of land within the plan, amendments or alterations may be authorized or ordered to be made to a registered plan,

(a) by the court or a judge thereof;

(b) by the director of titles;

(c) where the land is not in the County of York including The Municipality of Metropolitan Toronto, by a judge of the county or district court of the county or district in which land shown on the plan is situate; or

- (d) where the land is situate in the County of York including The Municipality of Metropolitan Toronto, by the master of titles.

44.—(1) *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960
c. 204,
amended

172a. The Lieutenant Governor in Council may make regulations prescribing a code of standards and procedure for surveys and plans of registered land. Power to
make
regulations

(2) The Code of Standards and Procedure for Surveys and Plans prescribed by the regulations shall be deemed to have been made under section 172a of *The Land Titles Act*, as enacted by subsection 1 of this section, and to have been in force by virtue thereof on and after the 5th day of May, 1958. Ratification
of O. Reg.
111/58

45. Section 175 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 204,
s. 175,
re-enacted

175.—(1) Every instrument received and accepted for registration under this Act by the proper master of titles shall be retained in the custody of the proper master of titles in his office. Custody of
registered
documents

- (2) Only the registered owner of land or of a charge or other person claiming an interest therein or lien thereupon or a solicitor acting for or an agent authorized in writing by such owner or other person has a right to inspect the parcel register for or any transfer, charge or other instrument affecting the land. Right of
owner and
others to
inspect

- (3) Subsection 2 does not preclude inspection of parcel registers or instruments by, Inspection

- (a) an employee of the Government of Canada or Ontario that requires information for use by the Government; for govern-
mental
purposes
- (b) a member of or person employed by a municipal corporation or statute labour board or school board that requires information for assessment purposes; for municipal
purposes
- (c) an Ontario land surveyor who requires information for survey purposes; or by surveyor
- (d) any other person or class of persons to whom permission is given by the proper master of titles. by other
persons

Fees payable
on inspection

- (4) Subsection 3 does not permit the inspection of registers or instruments without payment of the prescribed fees, except where so specified by any other Act or by the proper master of titles.

Destruction
of certain
instruments

- (5) Notwithstanding subsection 1, an instrument may be destroyed by or under the authority of the proper master of titles,

(a) when it has been superseded by entries in the register; or

(b) when it has been completely recorded photographically and the photographic reproduction is retained and made available for inspection under this section.

R.S.O. 1960,
c. 204,
s. 177,
subs. 2,
re-enacted

46. Subsection 2 of section 177 of *The Land Titles Act* is repealed and the following substituted therefor:

Fees

- (2) A fee of 20 cents shall be paid by the municipality to the proper master of titles for the entry of every transfer, charge or lease in a list furnished under subsection 1.

Application
of
R.S.O. 1960,
c. 204, s. 34,
subs. 1, 7, 8

47. Subsections 1, 7 and 8 of section 34 of *The Land Titles Act*, as enacted by section 11 of this Act, apply in the case of every application made under a predecessor of the said subsection 1 as if such subsections had been so enacted at the time such applications were made.

Commence-
ment

48. This Act comes into force on the 1st day of June, 1962.

Short title

49. This Act may be cited as *The Land Titles Amendment Act, 1961-62*.

THE ... OF ...

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An Act to amend
The Land Titles Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 18th, 1962

MR. ROBERTS

BILL 121

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Certification of Titles Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The section as re-enacted is designed to expedite the administration of the Act with respect to the appointment and payment of title examiners.

The present power to appoint assistant deputy directors of titles is deleted as such appointments will hereafter be made under a power to be inserted in *The Land Titles Act*.

SECTION 2. This provision brings the Act into line with the existing practice.

SECTION 3. The new section 7a is self-explanatory. It is similar in principle to section 50 of *The Land Titles Act*.

The new section 7b is also self-explanatory. It is similar in principle to section 103 of *The Registry Act*.

BILL 121

1961-62

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 2,
re-enacted

2.—(1) The Attorney General may designate one or more barristers or solicitors as title examiners to whom the director of titles may refer applications under this Act for investigation and report. Title
examiners

(2) The director of titles may pay to a title examiner such portion of the fees received in respect of an application referred to such examiner as may be authorized by the Attorney General. Compensa-
tion

2. Section 7 of *The Certification of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 7,
amended

(2) A notice to be served under clause *c* of subsection 1 is sufficiently served if it is sent by registered mail addressed to the owner, mortgagee or chargee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of *The Land Titles Act* or section 45 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge under which the owner, mortgagee or chargee appears to have an interest in such adjoining land. Sufficiency
of service

R.S.O. 1960,
cc. 204, 348

3. *The Certification of Titles Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 48,
amended

7a.—(1) The director of titles may request the registrar of deeds for the registry division in which the land described in an application is situate to deliver any Registrar
to deliver
required
instruments
to director

instrument appearing on the abstract or required in connection with an application under this Act that the director of titles desires to examine, and the registrar, upon payment of his proper fees, shall comply with the request.

Manner of
delivery

- (2) Where instruments are requested under subsection 1, they shall be delivered to the director of titles by registered mail.

Manner of
return

- (3) The director of titles shall return the instruments as soon as practicable by registered mail.

Registrar's
disburse-
ments

- (4) The director of titles shall reimburse the registrar for all postage paid by the registrar in complying with this section.

Inspection
of registry
office
records

- 7b. The director of titles or a member of the staff of his office may inspect any abstract index or registered instrument or other paper in a registry office in connection with an application under this Act without payment of a fee therefor.

R.S.O. 1960,
c. 48, s. 9,
subs. 4,
re-enacted

4. Subsection 4 of section 9 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Disposition
of
application

- (4) Notice of an appeal under this section shall be served upon the director of titles within the period of fifteen days mentioned in subsection 3, and, when that period has elapsed and no notice of appeal has been served upon the director of titles, or if an appeal has been taken and disposed of, the director of titles may issue a certificate of title or dismiss the application, as the case may be.

R.S.O. 1960,
c. 48, s. 13,
re-enacted

5. Section 13 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Effect of
certificate
of title

13. Upon registration under section 12, a certificate of title is conclusive as of the day, hour and minute named therein that the title of the owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given and done before the making of the certificate has been made, given and done in accordance with this Act.

SECTION 4. The subsection is re-enacted in order to include a provision requiring service on the director of titles of notices of appeal from his orders so that applications may be disposed of as soon as circumstances permit.

SECTION 5. As re-enacted, subsection 1 is more specific and is brought into line with the form of the prescribed certificate.

SECTION 6. The Act contains a number of exceptions to the principle that, before a plan of subdivision of land in a certification area may be registered, the title of the land in the subdivision must be certified under *The Certification of Titles Act*.

This section of the Bill clarifies the intent with respect to one of these exceptions (municipal lands) and adds two new exceptions (subsection 3).

SECTION 7. There are now two assurance funds: one under *The Land Titles Act* and one under *The Certification of Titles Act*. In order to avoid confusion each of these funds is now being given a distinctive name.

6.—(1) Clause *c* of subsection 2 of section 14 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 14,
subs. 2, cl. *c*,
re-enacted

- (c) where all the land shown thereon was acquired by expropriation or on account of arrears of taxes by and is owned by a municipal corporation or by a local board as defined in *The Department of Municipal Affairs Act*. R.S.O. 1960,
c. 98

(2) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 14,
amended

- (3) Subsection 1 does not apply to, Idem

(a) a plan of a survey under Part VIII of *The Surveys Act* or a predecessor thereof; or R.S.O. 1960,
c. 390

(b) a plan of a survey under section 93 or 94 of *The Registry Act* or a predecessor thereof. R.S.O. 1960,
c. 348

7.—(1) Subsection 1 of section 15 of *The Certification of Titles Act* is amended by inserting after "fund" in the first line "to be known as The Certification of Titles Assurance Fund", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 1,
amended

- (1) An assurance fund, to be known as The Certification of Titles Assurance Fund, shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act. Certification
of Titles
Assurance
Fund

(2) Subsection 9 of the said section 15 is amended by striking out "Assurance Fund under *The Certification of Titles Act*" in the fourth and fifth lines and inserting in lieu thereof "The Certification of Titles Assurance Fund Account", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 9,
amended

- (9) The moneys payable under this section shall be paid into the Supreme Court with the privity of the accountant of the court and shall be placed to the credit of an account entitled "The Certification of Titles Assurance Fund Account" and, subject to subsection 10, shall be invested from time to time under the direction of the Finance Committee of the Supreme Court and such of the interest and income derived therefrom shall be credited to the same account as the Finance Committee of the Supreme Court from time to time determines. Money to
be paid
into court

R.S.O. 1960,
c. 48, s. 18,
amended

8. Section 18 of *The Certification of Titles Act* is amended by adding thereto the following clause:

(ga) prescribing the procedures to be followed by registrars of deeds with respect to matters under this Act.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Certification of Titles Amendment Act, 1961-62*.

SECTION 8. This clause will authorize the making of regulations by the Lieutenant Governor in Council prescribing the procedures to be followed by registrars of deeds in connection with matters under *The Certification of Titles Act*.

The following is a list of the names of the persons who have been elected to the office of the President of the United States, and the names of the persons who have been elected to the office of the Vice President of the United States, in the year 1800.

John Adams, President of the United States, and Thomas Jefferson, Vice President of the United States, were elected to the office of the President and Vice President of the United States, in the year 1800.

An Act to amend
The Certification of Titles Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

Mr. ROBERTS

BILL 121

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Certification of Titles Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The section as re-enacted is designed to expedite the administration of the Act with respect to the appointment and payment of title examiners.

The present power to appoint assistant deputy directors of titles is deleted as such appointments will hereafter be made under a power to be inserted in *The Land Titles Act*.

SECTION 2. This provision brings the Act into line with the existing practice.

SECTION 3. The new section 7a is self-explanatory. It is similar in principle to section 50 of *The Land Titles Act*.

The new section 7b is also self-explanatory. It is similar in principle to section 103 of *The Registry Act*.

BILL 121

1961-62

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 2,
re-enacted

2.—(1) The Attorney General may designate one or more barristers or solicitors as title examiners to whom the director of titles may refer applications under this Act for investigation and report. Title
examiners

(2) The director of titles may pay to a title examiner such portion of the fees received in respect of an application referred to such examiner as may be authorized by the Attorney General. Compensa-
tion

2. Section 7 of *The Certification of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 7,
amended

(2) A notice to be served under clause c of subsection 1 is sufficiently served if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of *The Land Titles Act* or section 45 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge, or assignment thereof, under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land. Sufficiency
of service

3. *The Certification of Titles Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 48,
amended

7a.—(1) The director of titles may request the registrar of deeds for the registry division in which the land described in an application is situate to deliver any Registrar
to deliver
required
instruments
to director

instrument appearing on the abstract or required in connection with an application under this Act that the director of titles desires to examine, and the registrar, upon payment of his proper fees, shall comply with the request.

Manner of
delivery

- (2) Where instruments are requested under subsection 1, they shall be delivered to the director of titles by registered mail.

Manner of
return

- (3) The director of titles shall return the instruments as soon as practicable by registered mail.

Registrar's
disburse-
ments

- (4) The director of titles shall reimburse the registrar for all postage paid by the registrar in complying with this section.

Inspection
of registry
office
records

- 7b. The director of titles or a member of the staff of his office may inspect any abstract index or registered instrument or other paper in a registry office in connection with an application under this Act without payment of a fee therefor.

R.S.O. 1960,
c. 48, s. 9,
subs. 4,
re-enacted

4. Subsection 4 of section 9 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Disposition
of
application

- (4) Notice of an appeal under this section shall be served upon the director of titles within the period of fifteen days mentioned in subsection 3, and, when that period has elapsed and no notice of appeal has been served upon the director of titles, or if an appeal has been taken and disposed of, the director of titles may issue a certificate of title or dismiss the application, as the case may be.

R.S.O. 1960,
c. 48, s. 13,
re-enacted

5. Section 13 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Effect of
certificate
of title

13. Upon registration under section 12, a certificate of title is conclusive as of the day, hour and minute named therein that the title of the owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given and done before the making of the certificate has been made, given and done in accordance with this Act.

SECTION 4. The subsection is re-enacted in order to include a provision requiring service on the director of titles of notices of appeal from his orders so that applications may be disposed of as soon as circumstances permit.

SECTION 5. As re-enacted, subsection 1 is more specific and is brought into line with the form of the prescribed certificate.

SECTION 6. The Act contains a number of exceptions to the principle that, before a plan of subdivision of land in a certification area may be registered, the title of the land in the subdivision must be certified under *The Certification of Titles Act*.

This section of the Bill clarifies the intent with respect to one of these exceptions (municipal lands) and adds two new exceptions (subsection 3).

SECTION 7. There are now two assurance funds: one under *The Land Titles Act* and one under *The Certification of Titles Act*. In order to avoid confusion each of these funds is now being given a distinctive name.

6.—(1) Clause *c* of subsection 2 of section 14 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 14,
subs. 2, cl. *c*,
re-enacted

(*c*) where all the land shown thereon was acquired by expropriation or on account of arrears of taxes by and is owned by a municipal corporation or by a local board as defined in *The Department of Municipal Affairs Act*. R.S.O. 1960,
c. 98

(2) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 14,
amended

(3) Subsection 1 does not apply to, Idem

(*a*) a plan of a survey under Part VIII of *The Surveys Act* or a predecessor thereof; or R.S.O. 1960,
c. 390

(*b*) a plan of a survey under section 93 or 94 of *The Registry Act* or a predecessor thereof. R.S.O. 1960,
c. 348

7.—(1) Subsection 1 of section 15 of *The Certification of Titles Act* is amended by inserting after "fund" in the first line "to be known as The Certification of Titles Assurance Fund", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 1,
amended

(1) An assurance fund, to be known as The Certification of Titles Assurance Fund, shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act. Certification
of Titles
Assurance
Fund

(2) Subsection 9 of the said section 15 is amended by striking out "Assurance Fund under *The Certification of Titles Act*" in the fourth and fifth lines and inserting in lieu thereof "The Certification of Titles Assurance Fund Account", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 9,
amended

(9) The moneys payable under this section shall be paid into the Supreme Court with the privity of the accountant of the court and shall be placed to the credit of an account entitled "The Certification of Titles Assurance Fund Account" and, subject to subsection 10, shall be invested from time to time under the direction of the Finance Committee of the Supreme Court and such of the interest and income derived therefrom shall be credited to the same account as the Finance Committee of the Supreme Court from time to time determines. Money to
be paid
into court

R.S.O. 1960,
c. 48, s. 18,
amended

8. Section 18 of *The Certification of Titles Act* is amended by adding thereto the following clause:

(ga) prescribing the procedures to be followed by registrars of deeds with respect to matters under this Act.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Certification of Titles Amendment Act, 1961-62*.

SECTION 8. This clause will authorize the making of regulations by the Lieutenant Governor in Council prescribing the procedures to be followed by registrars of deeds in connection with matters under *The Certification of Titles Act*.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

$$\frac{dx}{dt} = f(x, y, z), \quad \frac{dy}{dt} = g(x, y, z), \quad \frac{dz}{dt} = h(x, y, z),$$

where f, g, h are continuous functions of x, y, z and satisfy certain conditions.

2. In the second part we consider the case when the functions f, g, h are linear in x, y, z and the system of equations can be written in the form

$$\frac{dx}{dt} = Ax + By + Cz, \quad \frac{dy}{dt} = Dx + Ey + Fz, \quad \frac{dz}{dt} = Gx + Hy + Iz,$$

where $A, B, C, D, E, F, G, H, I$ are constants.

3. In the third part we consider the case when the functions f, g, h are quadratic in x, y, z and the system of equations can be written in the form

$$\frac{dx}{dt} = Ax^2 + By^2 + Cz^2, \quad \frac{dy}{dt} = Dx^2 + Ey^2 + Fz^2, \quad \frac{dz}{dt} = Gx^2 + Hy^2 + Iz^2,$$

where $A, B, C, D, E, F, G, H, I$ are constants.

4. In the fourth part we consider the case when the functions f, g, h are cubic in x, y, z and the system of equations can be written in the form

$$\frac{dx}{dt} = Ax^3 + By^3 + Cz^3, \quad \frac{dy}{dt} = Dx^3 + Ey^3 + Fz^3, \quad \frac{dz}{dt} = Gx^3 + Hy^3 + Iz^3,$$

where $A, B, C, D, E, F, G, H, I$ are constants.

5. In the fifth part we consider the case when the functions f, g, h are quartic in x, y, z and the system of equations can be written in the form

$$\frac{dx}{dt} = Ax^4 + By^4 + Cz^4, \quad \frac{dy}{dt} = Dx^4 + Ey^4 + Fz^4, \quad \frac{dz}{dt} = Gx^4 + Hy^4 + Iz^4,$$

where $A, B, C, D, E, F, G, H, I$ are constants.

6. In the sixth part we consider the case when the functions f, g, h are quintic in x, y, z and the system of equations can be written in the form

$$\frac{dx}{dt} = Ax^5 + By^5 + Cz^5, \quad \frac{dy}{dt} = Dx^5 + Ey^5 + Fz^5, \quad \frac{dz}{dt} = Gx^5 + Hy^5 + Iz^5,$$

where $A, B, C, D, E, F, G, H, I$ are constants.

7. In the seventh part we consider the case when the functions f, g, h are sextic in x, y, z and the system of equations can be written in the form

$$\frac{dx}{dt} = Ax^6 + By^6 + Cz^6, \quad \frac{dy}{dt} = Dx^6 + Ey^6 + Fz^6, \quad \frac{dz}{dt} = Gx^6 + Hy^6 + Iz^6,$$

where $A, B, C, D, E, F, G, H, I$ are constants.

8. In the eighth part we consider the case when the functions f, g, h are septic in x, y, z and the system of equations can be written in the form

THE CERTIFICATION OF TITLES ACT

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee on Legal Bills)*

BILL 121

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Certification of Titles Act

MR. ROBERTS

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THE UNIVERSITY OF CHICAGO
 LIBRARY

BILL 121

1961-62

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 2,
re-enacted

2.—(1) The Attorney General may designate one or more barristers or solicitors as title examiners to whom the director of titles may refer applications under this Act for investigation and report. Title
examiners

(2) The director of titles may pay to a title examiner such portion of the fees received in respect of an application referred to such examiner as may be authorized by the Attorney General. Compensa-
tion

2. Section 7 of *The Certification of Titles Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 7,
amended

(2) A notice to be served under clause *c* of subsection 1 is sufficiently served if it is sent by registered mail addressed to the owner, mortgagee or chargee, or his assignee, as the case may be, of the land adjoining the land of the applicant at the address furnished under section 176 of *The Land Titles Act* or section 45 of *The Registry Act* or, where no such address has been furnished, addressed to the solicitor whose name appears on the conveyance, mortgage or charge, or assignment thereof, under which the owner, mortgagee or chargee, or his assignee, appears to have an interest in such adjoining land. Sufficiency
of service

R.S.O. 1960,
cc. 204, 348

3. *The Certification of Titles Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 48,
amended

7a.—(1) The director of titles may request the registrar of deeds for the registry division in which the land described in an application is situate to deliver any Registrar
to deliver
required
instruments
to director

instrument appearing on the abstract or required in connection with an application under this Act that the director of titles desires to examine, and the registrar, upon payment of his proper fees, shall comply with the request.

Manner of
delivery

- (2) Where instruments are requested under subsection 1, they shall be delivered to the director of titles by registered mail.

Manner of
return

- (3) The director of titles shall return the instruments as soon as practicable by registered mail.

Registrar's
disburse-
ments

- (4) The director of titles shall reimburse the registrar for all postage paid by the registrar in complying with this section.

Inspection
of registry
office
records

- 7b. The director of titles or a member of the staff of his office may inspect any abstract index or registered instrument or other paper in a registry office in connection with an application under this Act without payment of a fee therefor.

R.S.O. 1960,
c. 48, s. 9,
subs. 4,
re-enacted

4. Subsection 4 of section 9 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Disposition
of
application

- (4) Notice of an appeal under this section shall be served upon the director of titles within the period of fifteen days mentioned in subsection 3, and, when that period has elapsed and no notice of appeal has been served upon the director of titles, or if an appeal has been taken and disposed of, the director of titles may issue a certificate of title or dismiss the application, as the case may be.

R.S.O. 1960,
c. 48, s. 13,
re-enacted

5. Section 13 of *The Certification of Titles Act* is repealed and the following substituted therefor:

Effect of
certificate
of title

13. Upon registration under section 12, a certificate of title is conclusive as of the day, hour and minute named therein that the title of the owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act which ought to have been made, given and done before the making of the certificate has been made, given and done in accordance with this Act.

6.—(1) Clause *c* of subsection 2 of section 14 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 48, s. 14,
subs. 2, cl. *c*,
re-enacted

- (c) where all the land shown thereon was acquired by expropriation or on account of arrears of taxes by and is owned by a municipal corporation or by a local board as defined in *The Department of Municipal Affairs Act*. R.S.O. 1960,
c. 98

(2) The said section 14 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 48, s. 14,
amended

(3) Subsection 1 does not apply to, Idem

- (a) a plan of a survey under Part VIII of *The Surveys Act* or a predecessor thereof; or R.S.O. 1960,
c. 390

- (b) a plan of a survey under section 93 or 94 of *The Registry Act* or a predecessor thereof. R.S.O. 1960,
c. 348

7.—(1) Subsection 1 of section 15 of *The Certification of Titles Act* is amended by inserting after "fund" in the first line "to be known as The Certification of Titles Assurance Fund", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 1,
amended

- (1) An assurance fund, to be known as The Certification of Titles Assurance Fund, shall be formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act. Certification
of Titles
Assurance
Fund

(2) Subsection 9 of the said section 15 is amended by striking out "Assurance Fund under *The Certification of Titles Act*" in the fourth and fifth lines and inserting in lieu thereof "The Certification of Titles Assurance Fund Account", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 15,
subs. 9,
amended

- (9) The moneys payable under this section shall be paid into the Supreme Court with the privity of the accountant of the court and shall be placed to the credit of an account entitled "The Certification of Titles Assurance Fund Account" and, subject to subsection 10, shall be invested from time to time under the direction of the Finance Committee of the Supreme Court and such of the interest and income derived therefrom shall be credited to the same account as the Finance Committee of the Supreme Court from time to time determines. Money to
be paid
into court

R.S.O. 1960,
c. 48, s. 18,
amended

8. Section 18 of *The Certification of Titles Act* is amended by adding thereto the following clause:

(ga) prescribing the procedures to be followed by registrars of deeds with respect to matters under this Act.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Certification of Titles Amendment Act, 1961-62*.

An Act to amend
The Certification of Titles Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 122

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Boundaries Act

MR. ROBERTS

EXPLANATORY NOTES

GENERAL. This Act was first passed in 1959 to provide an economical and speedy method of determining the true location on the ground of lost or disputed boundaries.

The Bill contains a number of amendments that are designed to improve the administrative and the procedural aspects of the Act.

The basic principles of the Act remain unchanged.

SECTION 1. The definition of "registrar" is added for convenience of reference.

SECTION 2. The section which authorizes the appointment of assistant deputy directors of titles for the purposes of *The Boundaries Act* has not been used. It is therefore repealed. Such appointments are being authorized by amendment to *The Land Titles Act*.

SECTION 3. Section 5 as re-enacted eliminates the present distinction between applications based on existing surveys and applications with respect to unsurveyed land, thus simplifying the practice.

BILL 122

1961-62

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 38, s. 1,
amended

(ha) "registrar" means the registrar of deeds for the registry division in which the land in respect of which an application is made is situate.

2. Section 3 of *The Boundaries Act* is repealed. R.S.O. 1960,
c. 38, s. 3,
repealed

3. Sections 5, 6, 7, 8 and 9 of *The Boundaries Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 38, ss. 5-9,
re-enacted

5.—(1) Where,

Application
for con-
firmation of
survey

(a) an error appears in or a doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;

(b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or

(c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the boundaries confirmed under this Act may be made by,

(d) the owner of the parcel;

(e) the council of the municipality in which the parcel is situate;

- (f) the Minister of Highways;
- (g) the Inspector of Legal Offices;
- (h) the proper master of titles;

R.S.O. 1960,
c. 324

- (i) the Surveyor General under *The Public Lands Act*;

R.S.C. 1952,
c. 26

- (j) the Surveyor General under the *Canada Lands Surveys Act*; or

- (k) with the consent of the owner of the parcel, an Ontario land surveyor.

Payment
of costs

- (2) An applicant under this section is liable *prima facie* to pay all costs, charges and expenses incurred by or in consequence of the application.

Engagement
of surveyor

- 6. Upon receipt of an application under section 5, the director may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

Where
director
may order
survey
sua sponte

- 7. The director of his own accord, upon finding any of the conditions prescribed in section 5 to exist in respect of any parcel, may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

Method of
survey

- 8.—(1) The director may require any survey under this Act to be made in whole or in part as a block outline survey or as a complete survey.

Instructions

- (2) The director may give such instructions to the surveyor as he considers necessary and the surveyor shall comply therewith.

Deposit of
plan and
field notes
R.S.O. 1960,
c. 390

- (3) When a surveyor has completed the work to be done under this Act, he shall, notwithstanding *The Surveys Act*, deposit the plan and original field notes of the survey with the director.

Costs of
survey
deemed
costs within
R.S.O. 1960,
c. 204

- 9. Where an application has been made by or on behalf of a municipal corporation under section 34 of *The Land Titles Act* to have an area of land in the municipality registered under that Act and

- (a) an application is made under clause *e* of subsection 1 of section 5 in respect of the same area of land; or

Section 9 is new. It complements section 34 of *The Land Titles Act*.

SECTION 4. The reference is brought into line with amendments made by section 3 of the Bill.

SECTION 5. Subsections 2 to 5 correspond to provisions in *The Land Titles Act*; they will permit the director of titles to award costs.

- (b) a surveyor has been engaged by the director under section 7 to make a survey and plan of the same area of land and the municipal council has been advised of and has not objected to the engagement,

the costs of and incidental to the preparation of the survey and plan shall be deemed to be costs of and incidental to the application under section 34 of *The Land Titles Act* for the purpose of subsection 3 of that section.

4. Subsection 1 of section 10 of *The Boundaries Act* is amended by striking out "section 9" in the second line and inserting in lieu thereof "subsection 3 of section 8". R.S.O. 1960, c. 38, s. 10, subs. 1, amended

5. Subsection 2 of section 12 of *The Boundaries Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 38, s. 12, subs. 2, re-enacted

- (2) The director may order costs, either as between party and party or as between solicitor and client, to be paid by or to any person who is a party to a proceeding under this Act, and may give directions as to the fund out of which such costs shall be paid, regard being had to subsection 2 of section 5. Costs
- (3) Any person aggrieved by an order of the director made under subsection 2 may appeal to a judge of the Supreme Court who may annul or, with or without modification, confirm the order. Appeal
- (4) If a person disobeys an order of the director made under subsection 2, the director may certify the disobedience to the Supreme Court, and thereupon, subject to the right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the court. Enforcement of order
- (5) The amount of all costs, charges and expenses of and incidental to an application properly incurred by a trustee, mortgagee or other person having a power of selling land shall be ascertained and declared by the director and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he is not liable to account in respect thereof. Costs of trustee, etc.

Notice of
confirmation

- (6) Notice of the confirmation shall be published in *The Ontario Gazette* and given in such other manner and to such persons as the director deems proper.

R.S.O. 1960,
c. 38, s. 17,
re-enacted

6. Section 17 of *The Boundaries Act* is repealed and the following substituted therefor:

Registration
of plan

- 17.—(1) When a plan has been confirmed and certified under this Act, the director shall cause the plan or a copy thereof to be registered in the proper land titles or registry office.

Idem

- (2) Upon receipt of the plan or copy for registration, the proper master of titles or registrar shall register the plan and shall make an entry in red ink in the title register or abstract index for each parcel which adjoins a confirmed boundary or which is within or partly within a block outline survey or complete survey which has been confirmed, setting out the registration number of the plan, the date of registration, the number assigned to the plan by the director, the entry "*Plan under The Boundaries Act*", and a brief statement of the effect of the plan.

Effect of
registration

- (3) When a plan or copy thereof has been registered in accordance with this section, the plan supersedes all corresponding portions of all former registered plans and descriptions.

Subsequent
instruments
must
conform
to plan

- (4) Where a plan confirmed and certified under this Act has been registered, an instrument which affects any parcel that adjoins a confirmed boundary or that is within or partly within a block outline survey or complete survey which has been confirmed shall not be registered unless the instrument or the description of the land contained therein confirms and refers to the plan or unless, where the instrument is to be registered under *The Land Titles Act*, the director or, where the instrument is to be registered under *The Registry Act*, the Inspector of Legal Offices, under special circumstances, deems it proper to authorize the registration.

R.S.O. 1960,
c. 204, 348

R.S.O. 1960,
c. 38,
amended

7. *The Boundaries Act* is amended by adding thereto the following section:

Reduction
of fees

22. Where in the opinion of the director the fees payable on an application under this Act are unduly excessive, having regard to all the circumstances, the director may reduce the fees to such amount as he deems appropriate.

Subsection 6 replaces section 12 (2) of the present Act.

SECTION 6. The section is re-enacted in order to incorporate in it certain provisions now contained in the regulations. No change in principle is involved.

SECTION 7. Self-explanatory.

The first of these is the fact that the
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the twenty-seventh is the fact that the

8. Section 9 of *The Boundaries Act*, as re-enacted by sec- Application
tion 3 of this Act, applies in the case of every application ^{of R.S.O.} 1960, c. 38,
made under section 34 of *The Land Titles Act* after the 1st ^{s. 9, as} re-enacted
day of January, 1962.

9. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

10. This Act may be cited as *The Boundaries Amendment* ^{Short title}
Act, 1961-62.

An Act to amend
The Boundaries Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 122

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Boundaries Act

MR. ROBERTS

BILL 122

1961-62

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 38, s. 1,
amended

(ha) "registrar" means the registrar of deeds for the registry division in which the land in respect of which an application is made is situate.

2. Section 3 of *The Boundaries Act* is repealed. R.S.O. 1960,
c. 38, s. 3,
repealed

3. Sections 5, 6, 7, 8 and 9 of *The Boundaries Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 38, ss. 5-9,
re-enacted

5.—(1) Where,

Application
for con-
firmation of
survey

- (a) an error appears in or a doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the boundaries confirmed under this Act may be made by,

- (d) the owner of the parcel;
- (e) the council of the municipality in which the parcel is situate;

- (f) the Minister of Highways;
- (g) the Inspector of Legal Offices;
- (h) the proper master of titles;
- (i) the Surveyor General under *The Public Lands Act*;
- (j) the Surveyor General under the *Canada Lands Surveys Act*; or
- (k) with the consent of the owner of the parcel, an Ontario land surveyor.

R.S.O. 1960,
c. 324

R.S.C. 1952,
c. 26

Payment
of costs

- (2) An applicant under this section is liable *prima facie* to pay all costs, charges and expenses incurred by or in consequence of the application.

Engagement
of surveyor

- 6. Upon receipt of an application under section 5, the director may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

Where
director
may order
survey
sua sponte

- 7. The director of his own accord, upon finding any of the conditions prescribed in section 5 to exist in respect of any parcel, may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

Method of
survey

- 8.—(1) The director may require any survey under this Act to be made in whole or in part as a block outline survey or as a complete survey.

Instructions

- (2) The director may give such instructions to the surveyor as he considers necessary and the surveyor shall comply therewith.

Deposit of
plan and
field notes
R.S.O. 1960,
c. 390

- (3) When a surveyor has completed the work to be done under this Act, he shall, notwithstanding *The Surveys Act*, deposit the plan and original field notes of the survey with the director.

Costs of
survey
deemed
costs within
R.S.O. 1960,
c. 204

- 9. Where an application has been made by or on behalf of a municipal corporation under section 34 of *The Land Titles Act* to have an area of land in the municipality registered under that Act and

- (a) an application is made under clause *e* of subsection 1 of section 5 in respect of the same area of land; or

- (b) a surveyor has been engaged by the director under section 7 to make a survey and plan of the same area of land and the municipal council has been advised of and has not objected to the engagement,

the costs of and incidental to the preparation of the survey and plan shall be deemed to be costs of and incidental to the application under section 34 of *The Land Titles Act* for the purpose of subsection 3 of that section.

4. Subsection 1 of section 10 of *The Boundaries Act* is R.S.O. 1960, c. 38, s. 10, subs. 1, amended amended by striking out "section 9" in the second line and inserting in lieu thereof "subsection 3 of section 8".

5. Subsection 2 of section 12 of *The Boundaries Act* is R.S.O. 1960, c. 38, s. 12, subs. 2, re-enacted repealed and the following substituted therefor:

- (2) The director may order costs, either as between Costs party and party or as between solicitor and client, to be paid by or to any person who is a party to a proceeding under this Act, and may give directions as to the fund out of which such costs shall be paid, regard being had to subsection 2 of section 5.
- (3) Any person aggrieved by an order of the director Appeal made under subsection 2 may appeal to a judge of the Supreme Court who may annul or, with or without modification, confirm the order.
- (4) If a person disobeys an order of the director made Enforcement of order under subsection 2, the director may certify the disobedience to the Supreme Court, and thereupon, subject to the right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the court.
- (5) The amount of all costs, charges and expenses of Costs of trustee, etc. and incidental to an application properly incurred by a trustee, mortgagee or other person having a power of selling land shall be ascertained and declared by the director and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he is not liable to account in respect thereof.

Notice of
confirmation

- (6) Notice of the confirmation shall be published in *The Ontario Gazette* and given in such other manner and to such persons as the director deems proper.

R.S.O. 1960,
c. 38, s. 17,
re-enacted

6. Section 17 of *The Boundaries Act* is repealed and the following substituted therefor:

Registration
of plan

- 17.—(1) When a plan has been confirmed and certified under this Act, the director shall cause the plan or a copy thereof to be registered in the proper land titles or registry office.

Idem

- (2) Upon receipt of the plan or copy for registration, the proper master of titles or registrar shall register the plan and shall make an entry in red ink in the title register or abstract index for each parcel which adjoins a confirmed boundary or which is within or partly within a block outline survey or complete survey which has been confirmed, setting out the registration number of the plan, the date of registration, the number assigned to the plan by the director, the entry "Plan under *The Boundaries Act*", and a brief statement of the effect of the plan.

Effect of
registration

- (3) When a plan or copy thereof has been registered in accordance with this section, the plan supersedes all corresponding portions of all former registered plans and descriptions.

Subsequent
instruments
must
conform
to plan

- (4) Where a plan confirmed and certified under this Act has been registered, an instrument which affects any parcel that adjoins a confirmed boundary or that is within or partly within a block outline survey or complete survey which has been confirmed shall not be registered unless the instrument or the description of the land contained therein conforms and refers to the plan or unless, where the instrument is to be registered under *The Land Titles Act*, the director or, where the instrument is to be registered under *The Registry Act*, the Inspector of Legal Offices, under special circumstances, deems it proper to authorize the registration.

R.S.O. 1960,
c. 204, 348

R.S.O. 1960,
c. 38,
amended

7. *The Boundaries Act* is amended by adding thereto the following section:

Reduction
of fees

22. Where in the opinion of the director the fees payable on an application under this Act are unduly excessive, having regard to all the circumstances, the director may reduce the fees to such amount as he deems appropriate.

8. Section 9 of *The Boundaries Act*, as re-enacted by sec- Application
tion 3 of this Act, applies in the case of every application of R.S.O.
made under section 34 of *The Land Titles Act* after the 1st 1960, c. 38,
day of January, 1962. s. 9, as
re-enacted

9. This Act comes into force on the day it receives Royal Commence-
Assent. ment

10. This Act may be cited as *The Boundaries Amendment* Short title
Act, 1961-62.

AN ACT TO AMEND
The Boundaries Act

1st Reading

March 22nd, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 123

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Liquor Control Act

MR. GROSSMAN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The purpose of the amendment is to widen the definition of "public place" to cover premises, except clubs, that are licensed by the Liquor Licence Board under the provisions of *The Liquor Licence Act*. Doubts have been expressed that licensed premises are public places. The amendment removes the doubt.

Subsection 2. Subclause iii of clause 5 of subsection 1 of section 1 of the Act defines a trailer or tent as a residence. The amendment provides that the land immediately appurtenant to a trailer or tent which is in fact reasonably used as part of the living accommodation is included in the definition.

Subclause iv was formerly part of subclause iii; it is unchanged.

SECTION 2. Subsection 4 of section 37 of the Act presently exempts persons purchasing, having, possessing and consuming beer or wine from the necessity of obtaining a liquor permit. The effect of the amendment is to do away with the individual liquor permit for all types of liquor, spirits, wine and beer.

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *q* of subsection 1 of section 1 of *The Liquor Control Act* is amended by striking out "and includes" in the third line and by adding at the end thereof "and includes premises licensed under *The Liquor Licence Act*, except clubs", so that the clause shall read as follows:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. *q*,
amended

(*q*) "public place" means a place, building or convenience to which the public has, or is permitted to have, access, any highway, street, lane, park or place of public resort or amusement, and includes premises licensed under *The Liquor Licence Act*, except clubs.

R.S.O. 1960,
c. 218

(2) Clause *s* of subsection 1 of the said section 1 is amended by striking out "or" at the end of subclause ii and by striking out subclause iii and inserting in lieu thereof the following:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. *s*,
amended

(iii) a trailer or tent that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling, together with the land immediately appurtenant thereto that in fact is reasonably used as part of the living accommodation; or

(iv) a vessel that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling.

2. Subsection 4 of section 37 of *The Liquor Control Act* is amended by striking out "beer or wine" in the fourth line, the eighth line and the thirteenth line and inserting in lieu thereof in each instance "liquor", so that the subsection shall read as follows:

R.S.O. 1960,
c. 217, s. 37,
subs. 4,
amended

(4) Notwithstanding the provisions of this Act and the regulations providing for the purchase, having, possession and consumption of liquor upon a permit, the Board may provide that liquor may be purchased,

Board may
authorize
purchase of
liquor with-
out permit

had, possessed and consumed without a permit therefor for such time and upon and subject to such conditions and restrictions as the regulations prescribe, and, when and during the time the purchase, having, possession and consumption of liquor is authorized without a permit therefor, every provision of this Act and the regulations relating to the purchasing, having, possessing and consuming of liquor under a permit shall be construed with due regard to the fact that the purchase, having, possession and consumption of liquor may be made and had without such permit.

R.S.O. 1960,
c. 217, s. 88,
amended

3. Section 88 of *The Liquor Control Act* is amended by adding thereto the following subsection:

False state-
ments in
liquor
orders, etc.

- (5) No person shall upon a written order referred to in clause *a* of subsection 2 of section 32 or upon a proof of age certificate use any name other than his own, give a wrong or fictitious address or make any other false statement.

R.S.O. 1960,
c. 217, s. 106,
subs. 7
(1960-61,
c. 47, s. 1),
cls. *b*, *c*,
re-enacted

4. Clauses *b* and *c* of subsection 7 of section 106 of *The Liquor Control Act*, as re-enacted by section 1 of *The Liquor Control Amendment Act, 1960-61*, are repealed and the following substituted therefor:

- (*b*) where he has contravened such subsection at least twice during the twelve months preceding the date of the commission of the offence thereunder with which he is charged, he is liable to imprisonment for a term of thirty days; or
- (*c*) where it appears that he may benefit therefrom, he may be ordered to be detained for a term of ninety days in an institution for the reclamation of alcoholics that is designated for the purpose by the Lieutenant Governor in Council, but, if at any time during his term the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

R.S.O. 1960,
c. 217, s. 110,
subs. 3,
amended

5. Subsection 3 of section 110 of *The Liquor Control Act* is amended by striking out "Commissioner of Police for Ontario" in the second and third lines and inserting in lieu thereof "Commissioner of the Ontario Provincial Police Force".

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Liquor Control Amendment Act, 1961-62*.

SECTION 3. The amendment makes it an offence to give a false name, fictitious address or give any other false statement upon an order form used in a Government store when making a purchase or upon a proof of age certificate.

SECTION 4. The new feature of clause *b* is that the penalty for third offenders (drunk in a public place) is changed from detention for thirty days in an alcoholic clinic to imprisonment for thirty days in the common jail.

The first new feature of clause *c* is that the clause may be applied, with or without the consent of the offender, wherever it appears that he may benefit from clinical treatment.

The second feature is that, whenever it becomes evident that further clinical treatment will not benefit an offender, he may be released.

SECTION 5. The amendment is made necessary by recent amendments to *The Police Act*. See Bill 24.

the same day I received from the
author a letter containing a copy of the
manuscript. The author was a young man
of about 20 years of age, and was a
student of the University of Cambridge.
He was a very intelligent and energetic
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the manuscript, and was very kind to
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The Liquor Control Act

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

MR. GROSSMAN

BILL 123

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Liquor Control Act

MR. GROSSMAN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 123

1961-62

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *q* of subsection 1 of section 1 of *The Liquor Control Act* is amended by striking out “and includes” in the third line and by adding at the end thereof “and includes premises licensed under *The Liquor Licence Act*, except clubs”, so that the clause shall read as follows:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. *q*,
amended

- (*q*) “public place” means a place, building or convenience to which the public has, or is permitted to have, access, any highway, street, lane, park or place of public resort or amusement, and includes premises licensed under *The Liquor Licence Act*, except clubs.

R.S.O. 1960,
c. 218

(2) Clause *s* of subsection 1 of the said section 1 is amended by striking out “or” at the end of subclause ii and by striking out subclause iii and inserting in lieu thereof the following:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. *s*,
amended

- (iii) a trailer or tent that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling, together with the land immediately appurtenant thereto that in fact is reasonably used as part of the living accommodation; or
- (iv) a vessel that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling.

2. Subsection 4 of section 37 of *The Liquor Control Act* is amended by striking out “beer or wine” in the fourth line, the eighth line and the thirteenth line and inserting in lieu thereof in each instance “liquor”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 217, s. 37,
subs. 4,
amended

- (4) Notwithstanding the provisions of this Act and the regulations providing for the purchase, having, possession and consumption of liquor upon a permit, the Board may provide that liquor may be purchased,

Board may
authorize
purchase of
liquor with-
out permit

had, possessed and consumed without a permit therefor for such time and upon and subject to such conditions and restrictions as the regulations prescribe, and, when and during the time the purchase, having, possession and consumption of liquor is authorized without a permit therefor, every provision of this Act and the regulations relating to the purchasing, having, possessing and consuming of liquor under a permit shall be construed with due regard to the fact that the purchase, having, possession and consumption of liquor may be made and had without such permit.

R.S.O. 1960,
c. 217, s. 88,
amended

3. Section 88 of *The Liquor Control Act* is amended by adding thereto the following subsection:

False state-
ments in
liquor
orders, etc.

- (5) No person shall upon a written order referred to in clause *a* of subsection 2 of section 32 or upon a proof of age certificate use any name other than his own, give a wrong or fictitious address or make any other false statement.

R.S.O. 1960,
c. 217, s. 106,
subs. 7
(1960-61,
c. 47, s. 1),
cls. b, c,
re-enacted

4. Clauses *b* and *c* of subsection 7 of section 106 of *The Liquor Control Act*, as re-enacted by section 1 of *The Liquor Control Amendment Act, 1960-61*, are repealed and the following substituted therefor:

- (b) where he has contravened such subsection at least twice during the twelve months preceding the date of the commission of the offence thereunder with which he is charged, he is liable to imprisonment for a term of thirty days; or
- (c) where it appears that he may benefit therefrom, he may be ordered to be detained for a term of ninety days in an institution for the reclamation of alcoholics that is designated for the purpose by the Lieutenant Governor in Council, but, if at any time during his term the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

R.S.O. 1960,
c. 217, s. 110,
subs. 3,
amended

5. Subsection 3 of section 110 of *The Liquor Control Act* is amended by striking out "Commissioner of Police for Ontario" in the second and third lines and inserting in lieu thereof "Commissioner of the Ontario Provincial Police Force".

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Liquor Control Amendment Act, 1961-62*.

An Act to amend
The Liquor Control Act

1st Reading

March 22nd, 1962

2nd Reading

March 27th, 1962

3rd Reading

March 30th, 1962

MR. GROSSMAN

BILL 124

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents

MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Act establishes the Motor Vehicle Accident Claims Fund which will consist of the money now at the credit of the Unsatisfied Judgment Fund and the fees prescribed under this Act for payment on the issue and renewal of licences and with respect to uninsured motor vehicles.

The Act provides for payment out of the Fund where damages are caused by uninsured motor vehicles (including vehicles in hit-and-run accidents):

1. On the basis of settlement without a judgment.
2. Where a judgment has been obtained in respect of such damages.
3. Where a judgment has been obtained against the Registrar in cases of hit-and-run accidents.

BILL 124

1961-62

An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transport;
- (b) "driver's licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*; ^{R.S.O. 1960, c. 172}
- (c) "Fund" means the Motor Vehicle Accident Claims Fund;
- (d) "insured motor vehicle" means a motor vehicle in respect of which the owner has complied with clause *a, b, c, d or e* of subsection 2 of section 2;
- (e) "licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*;
- (f) "Minister" means the Minister of Transport;
- (g) "permit" means an owner's permit issued under *The Highway Traffic Act*;
- (h) "Registrar" means the Registrar of Motor Vehicles;
- (i) "uninsured motor vehicle" means a motor vehicle in respect of which the owner has paid the fee prescribed by the Lieutenant Governor in Council under subsection 2 of section 2.

2.—(1) There shall be a fund to be known as the Motor Vehicle Accident Claims Fund into which shall be paid the fees paid under this section, and all money at the credit of

Fund
established

R.S.O. 1960, c. 172. the Unsatisfied Judgment Fund under *The Highway Traffic Act* is hereby transferred to the Motor Vehicle Accident Claims Fund.

Uninsured
motor
vehicle fee

(2) Unless the owner of a motor vehicle,

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 117 of *The Highway Traffic Act*; or
- (b) has given a bond as required by clause *b* of subsection 1 of section 118 of *The Highway Traffic Act*; or
- (c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*; or
- (d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 118 of *The Highway Traffic Act*; or
- (e) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

Offence for
false
statement

(3) Every person who knowingly makes a false statement in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Fee on
issue or
renewal of
licence

(4) Upon the issue or renewal of a chauffeur's licence or operator's licence under *The Highway Traffic Act*, there shall be paid to the Fund by the person to whom the licence or renewal is issued such fee as may be prescribed by the Lieutenant Governor in Council.

(5) When the owner of a motor vehicle,

- (a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or
- (b) has given a bond required under clause *b* of subsection 2 and the bond is cancelled; or
- (c) has made a deposit with the Treasurer of Ontario as required under clause *c* of subsection 2 and the deposit has been withdrawn; or
- (d) has filed proof of financial responsibility as required under clause *d* of subsection 2 and the proof is cancelled,

Uninsured motor vehicle fee payable on cancellation of insurance, etc.

the owner shall pay forthwith the uninsured motor vehicle fee.

(6) The Lieutenant Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may direct payment out of the Consolidated Revenue Fund of such an amount as may be deemed necessary or advisable to subsidize the Fund.

Fund may be subsidized

(7) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Interest credited to Fund

(8) The Lieutenant Governor in Council in each year shall authorize the payment out of the Fund to the Consolidated Revenue Fund of an amount for the payment of expenses in connection with the administration of the Fund.

Administration expenses

3.—(1) Subject to subsection 4, the owner of a motor vehicle who operates or permits the operation of the motor vehicle on a highway shall, upon the request of a constable or an officer appointed for carrying out the provisions of *The Highway Traffic Act*, produce evidence that,

Production of evidence of insurance or payment of fee
R.S.O. 1960, c. 172

(a) the vehicle is an insured motor vehicle; or

(b) the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

(2) The Registrar shall issue to the owner of an uninsured motor vehicle a document that may be produced as evidence under subsection 1 that the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

Document evidencing payment of uninsured motor vehicle fee

Offence for failure to produce evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request, or who produces false evidence, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960, c. 172

Application of subss. 1, 3

(4) Subsections 1 and 3 do not apply to a person driving a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

Registrar agent for owner of uninsured motor vehicle for service of process

4.—(1) The issuance to or transfer to any person of a permit for an uninsured motor vehicle shall be deemed to constitute the Registrar an agent of such person for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

- (a) a notice or process shall be served on the Registrar by leaving a copy thereof with or at the office of the Registrar; and
- (b) a copy of the notice or process shall be sent forthwith by registered mail to the defendant at his last address as recorded with the Department.

Application

(2) Subsection 1 applies to service upon the owner and operator of an uninsured motor vehicle of notice or process in an action in Ontario arising out of the use or operation in Ontario of an uninsured motor vehicle after the 1st day of July, 1947, provided that the action has been brought within the time limited for the commencement of such actions under *The Highway Traffic Act* and the writ of summons has been renewed as required by the rules of court and is in force on the day this Act comes into force.

Application for payment out of Fund where person has cause of action

5.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by an uninsured motor vehicle, any person who would have a cause of action against the owner or driver of such uninsured motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 1 of section 6, may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage, provided that no amount of less than \$50 is payable in respect of loss or property damage.

(2) Upon receipt of an application under subsection 1, the Minister shall, by registered mail, forward a notice of the application for payment out of the Fund to the owner and the driver of the uninsured motor vehicle against whom liability for the damages occasioned by the operation of the uninsured motor vehicle is alleged, to their last addresses as recorded with the Department. ^{Notice to owner and driver}

(3) The Minister may, in respect of an application made under subsection 1, make payment out of the Fund, subject to section 22, of an amount that he deems proper in all the circumstances if, ^{Payment out of Fund authorized}

- (a) the applicant executes a release under seal of all claims arising out of the motor vehicle accident that occasioned the damages to be paid out of the Fund; and
- (b) subject to clause c, the owner and driver of the uninsured motor vehicle, against whom liability for the damages occasioned by the operation of the motor vehicle is alleged, execute a consent to the payment of the sum for damages out of the Fund and also execute under seal an undertaking to repay to the Fund the amount to be paid from the Fund; or
- (c) the person to whom a notice is sent in accordance with subsection 2 does not reply within thirty days of the date upon which the notice was sent either,
 - (i) by mail, or
 - (ii) by attending in person at the place named in the notice,

and disputes his liability to the person making application under subsection 1.

(4) Where an amount is paid out of the Fund under subsection 3, the Minister is subrogated to the rights of the person to whom such amount is paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured motor vehicle. ^{Minister subrogated to rights of applicant}

(5) Where payment is made under subsection 3, the driver's licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until proof of financial responsibility has been filed ^{Suspension of licence and permit}

R.S.O. 1960, c. 172, under Part XII of *The Highway Traffic Act* and repayment of the amount paid out of the Fund has commenced on the undertaking referred to in clause *b* of subsection 3.

Suspension
on default
of payment

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Application
for payment
of judgment

6.—(1) Subject to section 7, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or loss of or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings, including appeals, he may make application, in the form prescribed by the Lieutenant Governor in Council, for and the Minister shall pay the amount of the judgment or of the unsatisfied portion thereof out of the Fund, provided that, in respect of a judgment for loss of or damage to property, no amount of less than \$50 is payable out of the Fund.

Where
Minister
objects to
payment

(2) Where an application is made to the Minister under subsection 1, the Minister may at any time within thirty days of the receipt of the application or within such further time as may be allowed upon application to a judge of the Supreme Court give written notice to the applicant of any objection to payment of the judgment or part of the judgment, and, where the Minister gives the notice, the applicant may apply by way of originating notice to a judge of the Supreme Court for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

Action
against all
persons
reasonably
liable to
be sued

(3) The Minister shall not pay out of the Fund any amount in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Application
of sec. 6

7.—(1) Section 6 does not apply in the case of a judgment that has been signed in an action in which,

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or

(d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

(2) Where the Minister receives notice under subsection 1, ^{Rights of Minister} he may, if he deems it advisable, enter an appearance within thirty days, file a defence, make payment into court, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of such defendant.

(3) Where pleadings have been noted closed, the Minister ^{Re-opening pleadings} may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf and in the name of the defendant, re-open the pleadings upon praecipe.

8.—(1) The Minister shall not pay out of the Fund any ^{Assignment of judgment to Minister} sum under section 6 until the judgment creditor assigns the judgment to him.

(2) Upon lodging a copy of the assignment of judgment, ^{Lodging assignment with court} certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(3) Where execution is issued in the name of the judgment ^{Lodging with sheriff} creditor and a copy of the assignment of judgment, certified as prescribed in subsection 2, is lodged with the sheriff having the writ of execution, the provisions of subsection 2 apply *mutatis mutandis*.

9. Where the Minister pays out of the Fund any amount ^{Suspension of licence} in satisfaction of a judgment, the driver's licence and owner's permit or permits of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder; and

(c) filed proof of his financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Restoration
of licence
on instal-
ment
payments

10.—(1) The Lieutenant Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and condi-
tions of
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) When a person is in default of any such payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Where
identity
of vehicle
cannot be
established

11. Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may bring an action against the Registrar, either alone or as a co-defendant with others alleged to be responsible for the death or personal injury.

Idem

12. Where an action has been commenced in respect of the death of or injury to any person occasioned in Ontario by a motor vehicle and it is alleged that the death or injury was caused or contributed to by another motor vehicle, the identity of which and the owner and driver thereof cannot be established, the Registrar may be added as a defendant on the application of any party and shall be added as a defendant on his own application.

Non-jury
action

13. When the Registrar is a party to an action, the action shall be tried by a judge without a jury.

Where
owner
known but
identity
of driver
cannot be
established

14. When the death of or personal injury to any person is occasioned in Ontario by a motor vehicle at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur and the identity of the person in possession of the motor

vehicle cannot be established, any person who would have a cause of action against the person in possession of the motor vehicle in respect of such death or injury may bring an action against the Registrar.

15. In an action against the Registrar, the Registrar may deny generally the allegations in respect of the unidentified motor vehicle and unidentified owner and driver thereof and shall not be required to set forth the facts upon which he relies.

General
denial

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties other than the Registrar to ascertain the identity of the motor vehicle and of the owner and driver thereof and that the identity of the motor vehicle and of the owner and driver thereof cannot be established.

All reason-
able efforts
to ascertain
identity
condition to
granting
judgment

17. All actions against the Registrar may be commenced only within the times limited for actions under section 147 of *The Highway Traffic Act*.

Time limit
for actions
against
Registrar
R.S.O. 1960,
c. 172

18. Where judgment is obtained against the Registrar, upon the determination of all proceedings, including appeals, the Minister, subject to subsection 3 of section 22, shall pay out of the Fund to the plaintiff in the action the amount of the judgment.

Payment of
judgment
against
Registrar

19.—(1) Where judgment has been obtained against the Registrar, the Registrar may at any time thereafter, by originating notice, apply,

Order of
judge as to
owner or
driver

- (a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;
- (b) where judgment has been obtained in a county or district court, to a judge thereof; and
- (c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury in respect of which the judgment was obtained.

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle,

Owner or
driver
defendant
in action

- (a) such person shall for the purpose of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and
- (b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the Fund in respect of the judgment and accordingly has all the rights of a judgment creditor, including the right to recover any moneys that would have been payable in respect of the death or injury under any policy of insurance that was in force at the time of the accident.

Registrar
not
personally
liable

20. In an action brought against the Registrar, the Registrar is not personally liable to satisfy a judgment obtained in the action.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited

R.S.O. 1960,
c. 190

21. No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Registrar of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance.

Limits
payable from
Fund

22.—(1) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of \$5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of \$5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

(2) In respect of applications under section 5 or 6 for pay- Idem
ment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, the Minister shall not pay out of the Fund,

- (a) more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$2,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(3) In respect of applications under section 5 or 6 for Idem
payment of damages arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, the Minister shall not pay out of the Fund,

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$1,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(4) Subject to subsection 5, the Minister shall not pay out Idem
of the Fund in respect of judgments against the Registrar for damages,

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or
- (b) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than

\$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; or

- (c) arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

Partial
discharge
of judgment
debt

(5) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Interpre-
tation

23.—(1) In this section, "residence" shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

Payments
to non-
residents

(2) The Minister shall not pay out of the Fund any amount in favour of a person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of Ontario, provided that no payment shall include an amount that would not be payable by the law of the jurisdiction in which such person resides.

Costs

24.—(1) The Minister shall pay out of the Fund costs of an action but not more than the actual disbursements and fees as awarded in the judgment as between the parties to the action.

Idem

(2) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment.

(3) Where a solicitor has completed the application referred to in subsection 1 of section 6 and the assignment of judgment and has issued execution and filed it with the sheriff, he is entitled to a fee of \$30 out of the Fund, and such fee includes disbursements. ^{Solicitor's fee}

(4) If the Minister is satisfied that it is not feasible to issue and file execution as required under subsection 3, he may waive such requirements, and in such case the solicitor is entitled to the fee under subsection 3. ^{Direction of Minister for payment of solicitor's fee}

25.—(1) No money shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister. ^{Bill of costs to be taxed and filed}

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1, other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs. ^{Fees limited to taxed costs}

(3) No order is required to tax such a bill.

^{No order required}

26. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this Act. ^{Practice and procedure}

27. This Act comes into force on the 1st day of July, 1962. ^{Commencement}

28. This Act may be cited as *The Motor Vehicle Accident Claims Act, 1961-62.* ^{Short title}

An Act respecting Claims for
Damages Arising out of
Motor Vehicle Accidents

1st Reading

March 22nd, 1962

2nd Reading

3rd Reading

Mr. ROWNTREE

BILL 124

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Act establishes the Motor Vehicle Accident Claims Fund which will consist of the money now at the credit of the Unsatisfied Judgment Fund and the fees prescribed under this Act for payment on the issue and renewal of licences and with respect to uninsured motor vehicles.

The Act provides for payment out of the Fund where damages are caused by uninsured motor vehicles (including vehicles in hit-and-run accidents):

1. On the basis of settlement without a judgment.
2. Where a judgment has been obtained in respect of such damages.
3. Where a judgment has been obtained against the Registrar in cases of hit-and-run accidents.

An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transport;
- (b) "driver's licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*; ^{R.S.O. 1960, c. 172}
- (c) "Fund" means the Motor Vehicle Accident Claims Fund;
- (d) "insured motor vehicle" means a motor vehicle,
 - (i) that is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, ^{R.S.O. 1960, c. 190} or
 - (ii) in respect of which there is on deposit with the Registrar money, securities or a bond in accordance with section 118 of *The Highway Traffic Act*, or
 - (iii) in respect of which the owner is exempt from the payment of registration fees under the regulations made under *The Highway Traffic Act*;
- (e) "licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*;
- (f) "Minister" means the Minister of Transport;
- (g) "permit" means an owner's permit issued under *The Highway Traffic Act*;

(h) "Registrar" means the Registrar of Motor Vehicles;

(i) "uninsured motor vehicle" means a motor vehicle that is not an insured motor vehicle.

Fund
established

R.S.O. 1960,
c. 172.

2.—(1) There shall be a fund to be known as the Motor Vehicle Accident Claims Fund into which shall be paid the fees paid under this section, and all money at the credit of the Unsatisfied Judgment Fund under *The Highway Traffic Act* is hereby transferred to the Motor Vehicle Accident Claims Fund.

Uninsured
motor
vehicle fee

R.S.O. 1960,
c. 190

(2) Unless the owner of a motor vehicle,

(a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 117 of *The Highway Traffic Act*; or

(b) has given a bond as required by clause *b* of subsection 1 of section 118 of *The Highway Traffic Act*; or

(c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*; or

(d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 118 of *The Highway Traffic Act*; or

(e) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

Offence for
false
statement

(3) Every person who knowingly makes a false statement in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Fee on
issue or
renewal of
licence

(4) Upon the issue or renewal of a chauffeur's licence or operator's licence under *The Highway Traffic Act*, there shall

be paid to the Fund by the person to whom the licence or renewal is issued such fee as may be prescribed by the Lieutenant Governor in Council.

(5) When the owner of a motor vehicle,

- (a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or
- (b) has given a bond required under clause *b* of subsection 2 and the bond is cancelled; or
- (c) has made a deposit with the Treasurer of Ontario as required under clause *c* of subsection 2 and the deposit has been withdrawn; or
- (d) has filed proof of financial responsibility as required under clause *d* of subsection 2 and the proof is cancelled,

Uninsured motor vehicle fee payable on cancellation of insurance, etc.

the owner shall pay forthwith the uninsured motor vehicle fee.

(6) The Lieutenant Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may direct payment out of the Consolidated Revenue Fund of such an amount as may be deemed necessary or advisable to subsidize the Fund.

Fund may be subsidized

(7) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Interest credited to Fund

(8) The Lieutenant Governor in Council in each year shall authorize the payment out of the Fund to the Consolidated Revenue Fund of an amount for the payment of expenses in connection with the administration of the Fund.

Administration expenses

3.—(1) Subject to subsection 4, the owner of a motor vehicle who operates or permits the operation of the motor vehicle on a highway shall, upon the request of a constable or an officer appointed for carrying out the provisions of *The Highway Traffic Act*, produce evidence that,

Production of evidence of insurance or payment of fee R.S.O. 1960, c. 172

- (a) the vehicle is an insured motor vehicle; or
- (b) the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

(2) The Registrar shall issue to the owner of an uninsured motor vehicle a document that may be produced as evidence under subsection 1 that the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

Document evidencing payment of uninsured motor vehicle fee

Offence for
failure to
produce
evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request, or who produces false evidence, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Application
of subss.
1, 3

(4) Subsections 1 and 3 do not apply to a person driving a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

Registrar
agent for
owner of
uninsured
motor
vehicle for
service of
process

4.—(1) The Registrar is deemed to be an agent of the owner of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

- (a) a notice or process shall be served on the Registrar by leaving a copy thereof with or at the office of the Registrar; and
- (b) a copy of the notice or process shall be sent forthwith by registered mail to the defendant at his last address as recorded with the Department.

Application

(2) Subsection 1 applies to service upon the owner and operator of an uninsured motor vehicle of notice or process in an action in Ontario arising out of the use or operation in Ontario of an uninsured motor vehicle after the 1st day of July, 1947, provided that the action has been brought within the time limited for the commencement of such actions under *The Highway Traffic Act* and the writ of summons has been renewed as required by the rules of court and is in force on the day this Act comes into force.

Application
for payment
out of Fund
where person
has cause
of action

5.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by an uninsured motor vehicle, any person who would have a cause of action against the owner or driver of such uninsured motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 1 of section 6, may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage, provided that no amount of less than \$50 is payable in respect of loss or property damage.

(2) Upon receipt of an application under subsection 1, the Minister shall, by registered mail, forward a notice of the application for payment out of the Fund to the owner and the driver of the uninsured motor vehicle against whom liability for the damages occasioned by the operation of the uninsured motor vehicle is alleged, to their last addresses as recorded with the Department. ^{Notice to owner and driver}

(3) The Minister may, in respect of an application made under subsection 1, make payment out of the Fund, subject to section 22, of an amount that he deems proper in all the circumstances if, ^{Payment out of Fund authorized}

- (a) the applicant executes a release under seal of all claims arising out of the motor vehicle accident that occasioned the damages to be paid out of the Fund; and
- (b) subject to clause c, the owner and driver of the uninsured motor vehicle, against whom liability for the damages occasioned by the operation of the motor vehicle is alleged, execute a consent to the payment of the sum for damages out of the Fund and also execute under seal an undertaking to repay to the Fund the amount to be paid from the Fund; or
- (c) the person to whom a notice is sent in accordance with subsection 2 does not reply within thirty days of the date upon which the notice was sent either,
 - (i) by mail, or
 - (ii) by attending in person at the place named in the notice,

and disputes his liability to the person making application under subsection 1.

(4) Where an amount is paid out of the Fund under subsection 3, the Minister is subrogated to the rights of the person to whom such amount is paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured motor vehicle. ^{Minister subrogated to rights of applicant}

(5) Where payment is made under subsection 3, the driver's licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until proof of financial responsibility has been filed ^{Suspension of licence and permit}

R.S.O. 1960, c. 172, under Part XII of *The Highway Traffic Act* and repayment of the amount paid out of the Fund has commenced on the undertaking referred to in clause *b* of subsection 3.

Suspension
on default
of payment

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Application
for payment
of judgment

6.—(1) Subject to section 7, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or loss of or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings, including appeals, he may make application, in the form prescribed by the Lieutenant Governor in Council, for and the Minister shall pay the amount of the judgment or of the unsatisfied portion thereof out of the Fund, provided that, in respect of a judgment for loss of or damage to property, no amount of less than \$50 is payable out of the Fund.

Where
Minister
objects to
payment

(2) Where an application is made to the Minister under subsection 1, the Minister may at any time within thirty days of the receipt of the application or within such further time as may be allowed upon application to a judge of the Supreme Court give written notice to the applicant of any objection to payment of the judgment or part of the judgment, and, where the Minister gives the notice, the applicant may apply by way of originating notice to a judge of the Supreme Court for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

Action
against all
persons
reasonably
liable to
be sued

(3) The Minister shall not pay out of the Fund any amount in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Application
of sec. 6

7.—(1) Section 6 does not apply in the case of a judgment that has been signed in an action in which,

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or

(d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

(2) Where the Minister receives notice under subsection 1, ^{Rights of Minister} he may, if he deems it advisable, enter an appearance within thirty days, file a defence, make payment into court, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of such defendant.

(3) Where pleadings have been noted closed, the Minister ^{Re-opening pleadings} may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf and in the name of the defendant, re-open the pleadings upon praecipe.

8.—(1) The Minister shall not pay out of the Fund any ^{Assignment of judgment to Minister} sum under section 6 until the judgment creditor assigns the judgment to him.

(2) Upon lodging a copy of the assignment of judgment, ^{Lodging assignment with court} certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(3) Where execution is issued in the name of the judgment ^{Lodging with sheriff} creditor and a copy of the assignment of judgment, certified as prescribed in subsection 2, is lodged with the sheriff having the writ of execution, the provisions of subsection 2 apply *mutatis mutandis*.

9. Where the Minister pays out of the Fund any amount ^{Suspension of licence} in satisfaction of a judgment, the driver's licence and owner's permit or permits of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder; and

(c) filed proof of his financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Restoration
of licence
on instal-
ment
payments

10.—(1) The Lieutenant Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and condi-
tions of
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) When a person is in default of any such payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Where
identity
of vehicle
cannot be
established

11. Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may bring an action against the Registrar, either alone or as a co-defendant with others alleged to be responsible for the death or personal injury.

Idem

12. Where an action has been commenced in respect of the death of or injury to any person occasioned in Ontario by a motor vehicle and it is alleged that the death or injury was caused or contributed to by another motor vehicle, the identity of which and the owner and driver thereof cannot be established, the Registrar may be added as a defendant on the application of any party and shall be added as a defendant on his own application.

Non-jury
action

13. When the Registrar is a party to an action, the action shall be tried by a judge without a jury.

Where
owner
known but
identity
of driver
cannot be
established

14. When the death of or personal injury to any person is occasioned in Ontario by a motor vehicle at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur and the identity of the person in possession of the motor

vehicle cannot be established, any person who would have a cause of action against the person in possession of the motor vehicle in respect of such death or injury may bring an action against the Registrar.

15. In an action against the Registrar, the Registrar may deny generally the allegations in respect of the unidentified motor vehicle and unidentified owner and driver thereof and shall not be required to set forth the facts upon which he relies. General denial

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties other than the Registrar to ascertain the identity of the motor vehicle and of the owner and driver thereof and that the identity of the motor vehicle and of the owner and driver thereof cannot be established. All reasonable efforts to ascertain identity condition to granting judgment

17. All actions against the Registrar may be commenced only within the times limited for actions under section 147 of *The Highway Traffic Act*. Time limit for actions against Registrar R.S.O. 1960, c. 172

18. Where judgment is obtained against the Registrar, upon the determination of all proceedings, including appeals, the Minister, subject to subsection 3 of section 22, shall pay out of the Fund to the plaintiff in the action the amount of the judgment. Payment of judgment against Registrar

19.—(1) Where judgment has been obtained against the Registrar, the Registrar may at any time thereafter, by originating notice, apply, Order of judge as to owner or driver

- (a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;
- (b) where judgment has been obtained in a county or district court, to a judge thereof; and
- (c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury in respect of which the judgment was obtained.

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle, Owner or driver defendant in action

(a) such person shall for the purpose of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and

(b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the Fund in respect of the judgment and accordingly has all the rights of a judgment creditor, including the right to recover any moneys that would have been payable in respect of the death or injury under any policy of insurance that was in force at the time of the accident.

Registrar
not
personally
liable

20. In an action brought against the Registrar, the Registrar is not personally liable to satisfy a judgment obtained in the action.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited

R.S.O. 1960,
c. 190

21. No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Registrar of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance.

Limits
payable from
Fund

22.—(1) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of \$5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of \$5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

(2) In respect of applications under section 5 or 6 for pay- Idem
ment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, the Minister shall not pay out of the Fund,

- (a) more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$2,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(3) In respect of applications under section 5 or 6 for Idem
payment of damages arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, the Minister shall not pay out of the Fund,

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$1,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(4) Subject to subsection 5, the Minister shall not pay out Idem
of the Fund in respect of judgments against the Registrar for damages,

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or
- (b) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than

\$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; or

- (c) arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

Partial
discharge
of judgment
debt

- (5) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Interpre-
tation

23.—(1) In this section, "residence" shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

Payments
to non-
residents

- (2) The Minister shall not pay out of the Fund any amount in favour of a person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of Ontario, provided that no payment shall include an amount that would not be payable by the law of the jurisdiction in which such person resides.

Costs

24.—(1) The Minister shall pay out of the Fund costs of an action but not more than the actual disbursements and fees as awarded in the judgment as between the parties to the action.

Idem

- (2) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment.

(3) Where a solicitor has completed the application referred to in subsection 1 of section 6 and the assignment of judgment and has issued execution and filed it with the sheriff, he is entitled to a fee of \$30 out of the Fund, and such fee includes disbursements. Solicitor's fee

(4) If the Minister is satisfied that it is not feasible to issue and file execution as required under subsection 3, he may waive such requirements, and in such case the solicitor is entitled to the fee under subsection 3. Direction of Minister for payment of solicitor's fee

25.—(1) No money shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister. Bill of costs to be taxed and filed

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1, other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs. Fees limited to taxed costs

(3) No order is required to tax such a bill.

No order required

26. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this Act. Practice and procedure

27. This Act comes into force on the 1st day of July, 1962. Commencement

28. This Act may be cited as *The Motor Vehicle Accident Claims Act, 1961-62*. Short title

An Act respecting Claims for
Damages Arising out of
Motor Vehicle Accidents

1st Reading

March 22nd, 1962

2nd Reading

April 5th, 1962

3rd Reading

MR. ROWNTREE

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 124

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents

MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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 (2) THE GREAT WALL OF CHINA



BILL 124

1961-62

An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Transport;
- (b) "driver's licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act* ^{R.S.O. 1960, c. 172};
- (c) "Fund" means the Motor Vehicle Accident Claims Fund;
- (d) "insured motor vehicle" means a motor vehicle,
 - (i) that is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, ^{R.S.O. 1960, c. 190} or
 - (ii) in respect of which there is on deposit with the Registrar money, securities or a bond in accordance with section 118 of *The Highway Traffic Act*, or
 - (iii) in respect of which the owner is exempt from the payment of registration fees under the regulations made under *The Highway Traffic Act*;
- (e) "licence" means an operator's licence or chauffeur's licence issued under *The Highway Traffic Act*;
- (f) "Minister" means the Minister of Transport;
- (g) "permit" means an owner's permit issued under *The Highway Traffic Act*;

(h) "Registrar" means the Registrar of Motor Vehicles;

(i) "uninsured motor vehicle" means a motor vehicle that is not an insured motor vehicle.

Fund
established

R.S.O. 1960,
c. 172.

Uninsured
motor
vehicle fee

R.S.O. 1960,
c. 190

2.—(1) There shall be a fund to be known as the Motor Vehicle Accident Claims Fund into which shall be paid the fees paid under this section, and all money at the credit of the Unsatisfied Judgment Fund under *The Highway Traffic Act* is hereby transferred to the Motor Vehicle Accident Claims Fund.

(2) Unless the owner of a motor vehicle,

(a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 117 of *The Highway Traffic Act*; or

(b) has given a bond as required by clause *b* of subsection 1 of section 118 of *The Highway Traffic Act*; or

(c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*; or

(d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 118 of *The Highway Traffic Act*; or

(e) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

Offence for
false
statement

(3) Every person who knowingly makes a false statement in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Fee on
issue or
renewal of
licence

(4) Upon the issue or renewal of a chauffeur's licence or operator's licence under *The Highway Traffic Act*, there shall

be paid to the Fund by the person to whom the licence or renewal is issued such fee as may be prescribed by the Lieutenant Governor in Council.

(5) When the owner of a motor vehicle,

- (a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or
- (b) has given a bond required under clause *b* of subsection 2 and the bond is cancelled; or
- (c) has made a deposit with the Treasurer of Ontario as required under clause *c* of subsection 2 and the deposit has been withdrawn; or
- (d) has filed proof of financial responsibility as required under clause *d* of subsection 2 and the proof is cancelled,

Uninsured motor vehicle fee payable on cancellation of insurance, etc.

the owner shall pay forthwith the uninsured motor vehicle fee.

(6) The Lieutenant Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may direct payment out of the Consolidated Revenue Fund of such an amount as may be deemed necessary or advisable to subsidize the Fund.

Fund may be subsidized

(7) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Interest credited to Fund

(8) The Lieutenant Governor in Council in each year shall authorize the payment out of the Fund to the Consolidated Revenue Fund of an amount for the payment of expenses in connection with the administration of the Fund.

Administration expenses

3.—(1) Subject to subsection 4, the owner of a motor vehicle who operates or permits the operation of the motor vehicle on a highway shall, upon the request of a constable or an officer appointed for carrying out the provisions of *The Highway Traffic Act*, produce evidence that,

Production of evidence of insurance or payment of fee
R.S.O. 1960, c. 172

- (a) the vehicle is an insured motor vehicle; or
- (b) the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

(2) The Registrar shall issue to the owner of an uninsured motor vehicle a document that may be produced as evidence under subsection 1 that the uninsured motor vehicle fee has been paid in respect of the motor vehicle.

Document evidencing payment of uninsured motor vehicle fee

Offence for failure to produce evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request, or who produces false evidence, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960, c. 172

Application of subss. 1, 3

(4) Subsections 1 and 3 do not apply to a person driving a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

Registrar agent for owner of uninsured motor vehicle for service of process

4.—(1) The Registrar is deemed to be an agent of the owner of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

- (a) a notice or process shall be served on the Registrar by leaving a copy thereof with or at the office of the Registrar; and
- (b) a copy of the notice or process shall be sent forthwith by registered mail to the defendant at his last address as recorded with the Department.

Application

(2) Subsection 1 applies to service upon the owner and operator of an uninsured motor vehicle of notice or process in an action in Ontario arising out of the use or operation in Ontario of an uninsured motor vehicle after the 1st day of July, 1947, provided that the action has been brought within the time limited for the commencement of such actions under *The Highway Traffic Act* and the writ of summons has been renewed as required by the rules of court and is in force on the day this Act comes into force.

Application for payment out of Fund where person has cause of action

5.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by an uninsured motor vehicle, any person who would have a cause of action against the owner or driver of such uninsured motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 1 of section 6, may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage, provided that no amount of less than \$50 is payable in respect of such loss or property damage.

(2) Upon receipt of an application under subsection 1, ^{Notice to owner and driver} the Minister shall, by registered mail, forward a notice of the application for payment out of the Fund to the owner and the driver of the uninsured motor vehicle against whom liability for the damages occasioned by the operation of the uninsured motor vehicle is alleged, to their last addresses as recorded with the Department.

(3) The Minister may, in respect of an application made ^{Payment out of Fund authorized} under subsection 1, make payment out of the Fund, subject to section 22, of an amount that he deems proper in all the circumstances if,

- (a) the applicant executes a release under seal of all claims arising out of the motor vehicle accident that occasioned the damages to be paid out of the Fund; and
- (b) subject to clause c, the owner and driver of the uninsured motor vehicle, against whom liability for the damages occasioned by the operation of the motor vehicle is alleged, execute a consent to the payment of the sum for damages out of the Fund and also execute under seal an undertaking to repay to the Fund the amount to be paid from the Fund; or
- (c) the person to whom a notice is sent in accordance with subsection 2 does not reply within thirty days of the date upon which the notice was sent either,

(i) by mail, or

(ii) by attending in person at the place named in the notice,

and disputes his liability to the person making application under subsection 1.

(4) Where an amount is paid out of the Fund under subsection 3, the Minister is subrogated to the rights of the ^{Minister subrogated to rights of applicant} person to whom such amount is paid and the Minister may maintain an action in his name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured motor vehicle.

(5) Where payment is made under subsection 3, the driver's ^{Suspension of licence and permit} licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until proof of financial responsibility has been filed

R.S.O. 1960, c. 172. under Part XII of *The Highway Traffic Act* and repayment of the amount paid out of the Fund has commenced on the undertaking referred to in clause *b* of subsection 3.

Suspension
on default
of payment

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Application
for payment
of judgment

6.—(1) Subject to section 7, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or loss of or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings, including appeals, he may make application, in the form prescribed by the Lieutenant Governor in Council, for and the Minister shall pay the amount of the judgment or of the unsatisfied portion thereof out of the Fund, provided that, in respect of a judgment for loss of or damage to property, no amount of less than \$50 is payable out of the Fund.

Where
Minister
objects to
payment

(2) Where an application is made to the Minister under subsection 1, the Minister may at any time within thirty days of the receipt of the application or within such further time as may be allowed upon application to a judge of the Supreme Court give written notice to the applicant of any objection to payment of the judgment or part of the judgment, and, where the Minister gives the notice, the applicant may apply by way of originating notice to a judge of the Supreme Court for a finding or determination in respect of any matter in connection with the application for payment out of the Fund.

Action
against all
persons
reasonably
liable to
be sued

(3) The Minister shall not pay out of the Fund any amount in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Application
of sec. 6

7.—(1) Section 6 does not apply in the case of a judgment that has been signed in an action in which,

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or

- (d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

(2) Where the Minister receives notice under subsection 1, ^{Rights of Minister} he may, if he deems it advisable, enter an appearance within thirty days, file a defence, make payment into court, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of such defendant.

(3) Where pleadings have been noted closed, the Minister ^{Re-opening pleadings} may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf and in the name of the defendant, re-open the pleadings upon praecipe.

8.—(1) The Minister shall not pay out of the Fund any ^{Assignment of judgment to Minister} sum under section 6 until the judgment creditor assigns the judgment to him.

(2) Upon lodging a copy of the assignment of judgment, ^{Lodging assignment with court} certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(3) Where execution is issued in the name of the judgment ^{Lodging with sheriff} creditor and a copy of the assignment of judgment, certified as prescribed in subsection 2, is lodged with the sheriff having the writ of execution, the provisions of subsection 2 apply *mutatis mutandis*.

9. Where the Minister pays out of the Fund any amount ^{Suspension of licence} in satisfaction of a judgment, the driver's licence and owner's permit or permits of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

- (a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder; and

(c) filed proof of his financial responsibility in accordance with Part XII of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Restoration
of licence
on instal-
ment
payments

10.—(1) The Lieutenant Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and condi-
tions of
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) When a person is in default of any such payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

Where
identity
of vehicle
cannot be
established

11. Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may bring an action against the Registrar, either alone or as a co-defendant with others alleged to be responsible for the death or personal injury.

Idem

12. Where an action has been commenced in respect of the death of or injury to any person occasioned in Ontario by a motor vehicle and it is alleged that the death or injury was caused or contributed to by another motor vehicle, the identity of which and the owner and driver thereof cannot be established, the Registrar may be added as a defendant on the application of any party and shall be added as a defendant on his own application.

Non-jury
action

13. When the Registrar is a party to an action, the action shall be tried by a judge without a jury.

Where
owner
known but
identity
of driver
cannot be
established

14. When the death of or personal injury to any person is occasioned in Ontario by a motor vehicle at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur and the identity of the person in possession of the motor

vehicle cannot be established, any person who would have a cause of action against the person in possession of the motor vehicle in respect of such death or injury may bring an action against the Registrar.

15. In an action against the Registrar, the Registrar may deny generally the allegations in respect of the unidentified motor vehicle and unidentified owner and driver thereof and shall not be required to set forth the facts upon which he relies.

General
denial

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties other than the Registrar to ascertain the identity of the motor vehicle and of the owner and driver thereof and that the identity of the motor vehicle and of the owner and driver thereof cannot be established.

All reason-
able efforts
to ascertain
identity
condition to
granting
judgment

17. All actions against the Registrar may be commenced only within the times limited for actions under section 147 of *The Highway Traffic Act*.

Time limit
for actions
against
Registrar
R.S.O. 1960.
c. 172

18. Where judgment is obtained against the Registrar, upon the determination of all proceedings, including appeals, the Minister, subject to subsection 4 of section 22, shall pay out of the Fund to the plaintiff in the action the amount of the judgment.

Payment of
judgment
against
Registrar

19.—(1) Where judgment has been obtained against the Registrar, the Registrar may at any time thereafter, by originating notice, apply,

Order of
judge as to
owner or
driver

- (a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;
- (b) where judgment has been obtained in a county or district court, to a judge thereof; and
- (c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury in respect of which the judgment was obtained.

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle,

Owner or
driver
defendant
in action

- (a) such person shall for the purpose of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and
- (b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the Fund in respect of the judgment and accordingly has all the rights of a judgment creditor, including the right to recover any moneys that would have been payable in respect of the death or injury under any policy of insurance that was in force at the time of the accident.

Registrar
not
personally
liable

20. In an action brought against the Registrar, the Registrar is not personally liable to satisfy a judgment obtained in the action.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited

R.S.O. 1960,
c. 190

21. No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Registrar of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance, and no amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of *The Insurance Act*, other than a policy of life insurance.

Limits
payable from
Fund

22.—(1) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of \$5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of \$5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

(2) In respect of applications under section 5 or 6 for pay- Idem
ment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, the Minister shall not pay out of the Fund,

- (a) more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$2,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(3) In respect of applications under section 5 or 6 for Idem
payment of damages arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, the Minister shall not pay out of the Fund,

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) more than \$1,000, exclusive of costs, for loss of or damage to property resulting from any one accident.

(4) Subject to subsection 5, the Minister shall not pay out Idem
of the Fund in respect of judgments against the Registrar for damages,

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or
- (b) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1958, and before the 1st day of October, 1962, more than \$10,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than

\$20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; or

- (c) arising out of motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, and before the 1st day of January, 1958, more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and, subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

Partial
discharge
of judgment
debt

(5) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Interpre-
tation

23.—(1) In this section, "residence" shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

Payments
to non-
residents

(2) The Minister shall not pay out of the Fund any amount in favour of a person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of Ontario, provided that no payment shall include an amount that would not be payable by the law of the jurisdiction in which such person resides.

Costs

24.—(1) The Minister shall pay out of the Fund costs of an action but not more than the actual disbursements and fees as awarded in the judgment as between the parties to the action.

Idem

(2) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment.

(3) Where a solicitor has completed the application referred to in subsection 1 of section 6 and the assignment of judgment and has issued execution and filed it with the sheriff, he is entitled to a fee of \$30 out of the Fund, and such fee includes disbursements. Solicitor's fee

(4) If the Minister is satisfied that it is not feasible to issue and file execution as required under subsection 3, he may waive such requirements, and in such case the solicitor is entitled to the fee under subsection 3. Direction of Minister for payment of solicitor's fee

25.—(1) No money shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister. Bill of costs to be taxed and filed

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1, other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs. Fees limited to taxed costs

(3) No order is required to tax such a bill.

No order required

26. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this Act. Practice and procedure

27. This Act comes into force on the 1st day of July, 1962. Commencement

28. This Act may be cited as *The Motor Vehicle Accident Claims Act, 1961-62.* Short title

An Act respecting Claims for
Damages Arising out of
Motor Vehicle Accidents

1st Reading

March 22nd, 1962

2nd Reading

April 5th, 1962

3rd Reading

April 17th, 1962

MR. ROWNTREE

BILL 125

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Nurses Act, 1961-62

MR. DYMOND

EXPLANATORY NOTE

EXPLANATORY NOTE

The new Act proposed by this Bill is a consolidation and revision of the two present Acts, one dealing with registered nurses and the other certified nursing assistants.

The new Act brings both branches of the profession into the College of Nurses that will be administered by a Council representative of the Department of Health and the nursing profession.

BILL 125

1961-62

The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "College" means the College of Nurses established under this Act;
- (b) "Council" means the council of nurses established by the College under this Act;
- (c) "Minister" means the Minister of Health;
- (d) "nursing registry" means a registry which includes in its functions procuring employment for registered nurses and registered nursing assistants;
- (e) "registered nurse" means a person who is registered as a nurse under this Act;
- (f) "registered nursing assistant" means a person who is registered as a nursing assistant under this Act;
- (g) "school of nursing" means a school for the education of persons as nurses that is approved under this Act;
- (h) "training centre" means a training centre for the education of persons as nursing assistants that is approved under this Act.

2. There shall be a college known as the College of Nurses ^{College} which shall be a corporation without share capital.

3. The affairs of the College shall be administered by the ^{Council} Council which shall be composed as follows:

- (a) the Minister of Health or his representative *ex officio*;

- (b) members elected by the registered nurses of Ontario in accordance with the regulations;
- (c) members appointed by the Registered Nurses' Association of Ontario in accordance with the regulations;
- (d) members appointed by the Association of Certified Nursing Assistants of Ontario in accordance with the regulations.

Provisional
council

R.S.O. 1960,
c. 264

4. Until the first Council is elected, the affairs of the College shall be administered by a provisional council composed of five nurses registered under *The Nurses Registration Act* and appointed by the Lieutenant Governor in Council.

Schools of
nursing
and
training
centres

5. No person shall establish, maintain or conduct a school of nursing or a training centre except in accordance with the regulations.

Regulations

6. The Council, including the provisional council referred to in section 4, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) governing the composition of the Council, including the number, procedure for election and term of office of the members to be elected and the number and term of office of the members to be appointed;
- (b) fixing the remuneration of the members of the Council and providing for the payment of necessary expenses of the Council in the conduct of its business;
- (c) prescribing the powers of the Council and the procedure of the Council at its meetings;
- (d) prescribing the requirements for approval of schools of nursing and training centres and for the cancellation of such approval;
- (e) providing for the inspection of schools of nursing and of training centres;
- (f) prescribing the requirements for admission to schools of nursing and training centres and the courses of instruction therein;
- (g) providing for the holding of examinations for persons who are in attendance at or graduates of schools of nursing and training centres;

- (h) for the registration of graduates of schools of nursing located within or without Ontario and the issue, suspension, cancellation and renewal of registration;
- (i) for the registration of graduates of training centres located within or without Ontario and the issue, suspension, cancellation and renewal of registration;
- (j) prescribing the fees for examinations, registration and renewal of registration of nurses and nursing assistants;
- (k) governing the disciplinary powers of the Council or a committee of the Council with respect to registered nurses and registered nursing assistants, including the power to suspend or cancel their registration; and
- (l) prescribing the standards for approval of nursing registries.

7. The Council shall keep a register containing information Register
about every person who has been granted registration as a registered nurse or registered nursing assistant under this Act.

8. No person shall hold herself or himself out to the public Prohibitions
by any title, designation or description as a registered nurse or registered nursing assistant and under such title, designation or description offer to render or render services of any kind to one or more persons for a fee or other remuneration unless such person is registered under this Act.

9.—(1) No person shall use the title "registered nurse" Title,
Reg. N.,
R.N.
or the designation "Reg.N." or "R.N." unless such person is registered as a nurse under this Act.

(2) No person shall use the title "registered nursing assistant" or "certified nursing assistant" or the designation Title,
R.N.A.,
C.N.A.
"R.N.A." or "C.N.A." unless such person is registered as a nursing assistant under this Act.

10. The powers of the College include,

Powers of
College

- (a) assisting financially and otherwise in researches in nursing education and practice;
- (b) the use of unsworn oral and written statements in the course of any disciplinary inquiry;

- (c) publication of the decision of any disciplinary inquiry and all or any of the information used in the inquiry;
- (d) the establishment and maintenance of a superannuation plan for its officers and employees, and the making of contributions from the funds of the College for that purpose;
- (e) issuing certificates of approval to nursing registries that comply with standards established by the regulations.

Review
by judge

11.—(1) If the Council refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

Idem

(2) Every such order is final and conclusive and shall be acted upon forthwith by the Council.

Actions
against
College

12. No action, prosecution or other proceeding shall be brought or be instituted against the College or any officer, clerk or servant of the College or the Council or any member of the Council or its committees for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority.

Penalties

13. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for a first offence and not more than \$500 for any subsequent offence.

Repeal:

14.—(1) The following are repealed:

R.S.O. 1960,
c. 264

1. *The Nurses Registration Act.*

R.S.O. 1960,
c. 265

2. *The Nursing Act.*

1960-61,
c. 62

3. *The Nursing Amendment Act, 1960-61.*

(2) Every person who is registered under the Acts mentioned in subsection 1 at the date of their repeal shall be registered under this Act upon payment of the fee prescribed in the regulations. ^{Continuation of registration}

(3) Every person who was entitled to registration under the Acts mentioned in subsection 1 at the date of their repeal is entitled to be registered under this Act if that person applies for registration and pays the fee within such period as is prescribed by the regulations. ^{Entitlement to registration}

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

16. This Act may be cited as *The Nurses Act, 1961-62*. ^{Short title}

1st Reading

March 23rd, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 125

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

The Nurses Act, 1961-62

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 125

1961-62

The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "College" means the College of Nurses established under this Act;
- (b) "Council" means the council of nurses established by the College under this Act;
- (c) "Minister" means the Minister of Health;
- (d) "nursing registry" means a registry which includes in its functions procuring employment for registered nurses and registered nursing assistants;
- (e) "registered nurse" means a person who is registered as a nurse under this Act;
- (f) "registered nursing assistant" means a person who is registered as a nursing assistant under this Act;
- (g) "school of nursing" means a school for the education of persons as nurses that is approved under this Act;
- (h) "training centre" means a training centre for the education of persons as nursing assistants that is approved under this Act.

2. There shall be a college known as the College of Nurses ^{College} which shall be a corporation without share capital.

3. The affairs of the College shall be administered by the ^{Council} Council which shall be composed as follows:

- (a) the Minister of Health or his representative *ex officio*;

- (b) members elected by the registered nurses of Ontario in accordance with the regulations;
- (c) members appointed by the Registered Nurses' Association of Ontario in accordance with the regulations;
- (d) members appointed by the Association of Certified Nursing Assistants of Ontario in accordance with the regulations.

Provisional
council

R.S.O. 1960,
c. 264

4. Until the first Council is elected, the affairs of the College shall be administered by a provisional council composed of five nurses registered under *The Nurses Registration Act* and appointed by the Lieutenant Governor in Council.

Schools of
nursing
and
training
centres

5. No person shall establish, maintain or conduct a school of nursing or a training centre except in accordance with the regulations.

Regulations

6. The Council, including the provisional council referred to in section 4, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) governing the composition of the Council, including the number, procedure for election and term of office of the members to be elected and the number and term of office of the members to be appointed;
- (b) fixing the remuneration of the members of the Council and providing for the payment of necessary expenses of the Council in the conduct of its business;
- (c) prescribing the powers of the Council and the procedure of the Council at its meetings;
- (d) prescribing the requirements for approval of schools of nursing and training centres and for the cancellation of such approval;
- (e) providing for the inspection of schools of nursing and of training centres;
- (f) prescribing the requirements for admission to schools of nursing and training centres and the courses of instruction therein;
- (g) providing for the holding of examinations for persons who are in attendance at or graduates of schools of nursing and training centres;

- (h) for the registration of graduates of schools of nursing located within or without Ontario and the issue, suspension, cancellation and renewal of registration;
- (i) for the registration of graduates of training centres located within or without Ontario and the issue, suspension, cancellation and renewal of registration;
- (j) prescribing the fees for examinations, registration and renewal of registration of nurses and nursing assistants;
- (k) governing the disciplinary powers of the Council or a committee of the Council with respect to registered nurses and registered nursing assistants, including the power to suspend or cancel their registration; and
- (l) prescribing the standards for approval of nursing registries.

7. The Council shall keep a register containing information Register
about every person who has been granted registration as a registered nurse or registered nursing assistant under this Act.

8. No person shall hold herself or himself out to the public Prohibitions
by any title, designation or description as a registered nurse or registered nursing assistant and under such title, designation or description offer to render or render services of any kind to one or more persons for a fee or other remuneration unless such person is registered under this Act.

9.—(1) No person shall use the title “registered nurse” Title,
Reg. N.,
R.N.
or the designation “Reg.N.” or “R.N.” unless such person is registered as a nurse under this Act.

(2) No person shall use the title “registered nursing assistant” or “certified nursing assistant” or the designation Title,
R.N.A.,
C.N.A.
“R.N.A.” or “C.N.A.” unless such person is registered as a nursing assistant under this Act.

10. The powers of the College include, Powers of
College

- (a) assisting financially and otherwise in researches in nursing education and practice;
- (b) the use of unsworn oral and written statements in the course of any disciplinary inquiry;

(c) publication of the decision of any disciplinary inquiry and all or any of the information used in the inquiry;

(d) the establishment and maintenance of a superannuation plan for its officers and employees, and the making of contributions from the funds of the College for that purpose;

(e) issuing certificates of approval to nursing registries that comply with standards established by the regulations.

Review
by judge

11.—(1) If the Council refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

Idem

(2) Every such order is final and conclusive and shall be acted upon forthwith by the Council.

Actions
against
College

12. No action, prosecution or other proceeding shall be brought or be instituted against the College or any officer, clerk or servant of the College or the Council or any member of the Council or its committees for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority.

Penalties

13. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for a first offence and not more than \$500 for any subsequent offence.

Repeal:

14.—(1) The following are repealed:

R.S.O. 1960,
c. 264

1. *The Nurses Registration Act.*

R.S.O. 1960,
c. 265

2. *The Nursing Act.*

1960-61,
c. 62

3. *The Nursing Amendment Act, 1960-61.*

(2) Every person who is registered under the Acts mentioned in subsection 1 at the date of their repeal shall be registered under this Act upon payment of the fee prescribed in the regulations. Continuation of registration

(3) Every person who was entitled to registration under the Acts mentioned in subsection 1 at the date of their repeal is entitled to be registered under this Act if that person applies for registration and pays the fee within such period as is prescribed by the regulations. Entitlement to registration

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

16. This Act may be cited as *The Nurses Act, 1961-62*. Short title

The Nurses Act, 1961-62

1st Reading

March 23rd, 1962

2nd Reading

March 30th, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 126

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Municipal Act

MR. CASS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The population qualification for adopting a ward system is deleted.

SECTION 2. The amendment qualifies the husband of a householder as a candidate for municipal council.

SECTION 3—Subsection 1. The amendment provides that a tenant of land is not disqualified from being elected a member of council where any taxes in respect of the land of a preceding year or years are overdue and unpaid if the taxes are payable by the owner of the land and the rental therefor is not overdue and unpaid at the opening of the nomination meeting.

BILL 126

1961-62

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 13,
subs. 1,
re-enacted

- (1) Where a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into not less than three wards, and shall designate the name or number each ward shall bear.

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act* is amended by inserting after "wife" in the sixth line "or husband", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 34,
subs. 1,
cl. *a*,
amended

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality or is the wife or husband of a householder and who resides in or within five miles of the municipality.

3.—(1) Clause *t* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "but this clause does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 35,
subs. 1,
cl. *t*,
amended

- (t) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid but this clause

does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960,
c. 249, s. 35,
subs. 3, cl. a,
re-enacted

(2) Clause *a* of subsection 3 of the said section 35 is repealed and the following substituted therefor:

- (a) of his being a shareholder in an incorporated company having dealings or a contract with the municipal corporation, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such incorporated company and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse.

Application
of s. 35,
subs. 3,
cl. a

(3) Clause *a* of subsection 3 of section 35 of *The Municipal Act*, as re-enacted by subsection 2, does not apply with respect to a contract with the municipal corporation and a corporation of which a member of council is a shareholder, director, manager, secretary, treasurer, secretary-treasurer or agent entered into before subsection 2 comes into force.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

(4) Subsection 3 of the said section 35, as amended by section 3 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

- (l) of his having entered into an agreement with the corporation in respect of the acquisition of land by the corporation for a road-widening or curve-adjustment or of his having any claim or proceeding against the corporation in respect of the acquisition of land for any such purpose.

R.S.O. 1960,
c. 249, s. 45,
amended

4. Section 45 of *The Municipal Act* is amended by adding at the end thereof "and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated", so that the section shall read as follows:

Notice

45. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publication in a newspaper having general circulation in the municipality and, in any township where there is no newspaper having general circulation, by posting notice thereof in at least two con-

Subsection 2. At present, a person is not disqualified as a member of council by reason only of his being a shareholder of a corporation that has dealings with a municipal corporation. The amendment provides that such a person loses this exemption from disqualification if he is an officer of the corporation or has a controlling interest in such corporation.

Subsection 4. The amendment provides that a member of council is not disqualified by reason only that he has entered into an agreement with or has a claim for compensation against the municipality where the municipality has acquired land from the member for a road-widening or curve-adjustment.

SECTION 4. The amendment provides that the notice of a nomination meeting shall contain a list of the offices for which persons may be nominated.

SECTION 5—Subsection 1. The new subsection requires copies of the notice of the nomination meeting to be prominently displayed in the place of meeting.

Subsection 2. At present, under subsection 6 a candidate may resign any office at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, and in default is deemed to be nominated for the office for which he was first nominated. However, subsection 7 provides that if he makes the filings mentioned in subsection 1 of section 48 before 9 o'clock he is deemed to have resigned for all other offices. Subsection 7 is amended to make the times consistent with those in subsection 6.

SECTION 6. At present, if a candidate for an office dies before the close of the poll, a new election must be held. The section as revised is self-explanatory.

spicuous places in the township, and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated.

5.—(1) Section 46 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249, s. 46,
amended

(1a) The returning officer shall, before calling the nomination meeting to order, prominently display in one or more locations in the place of the nomination meeting three or more copies of the notice required under section 45. Notice to be
displayed
at place of
meeting

(2) Subsection 7 of the said section 46 is amended by inserting after "day" in the fourth line "or within an hour of the close of the nomination meeting, whichever is the later", R.S.O. 1960,
c. 249, s. 46,
subs. 7,
amended so that the subsection shall read as follows:

(7) When a candidate makes the filings mentioned in subsection 1 of section 48 by filing them with the returning officer or the clerk at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. Qualification
of
candidate

6. Section 51 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 51,
re-enacted

51. If, as a result of a candidate for any office dying after having qualified and before the close of the poll, Election
in case of
death of
candidate

(a) a person would be elected by acclamation to such office, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election; or

(b) no person would be elected by acclamation to such office, the returning officer shall omit the name of the deceased candidate from the ballot and the election shall be proceeded with as if the deceased candidate had not been a candidate.

R.S.O. 1960,
c. 249, s. 90,
subs. 1,
amended

7.—(1) Subsection 1 of section 90 of *The Municipal Act* is amended by inserting after "vote" in the sixth line "or of voters who for religious reasons are prevented from voting", so that the subsection shall read as follows:

Advance
poll

(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, or of voters who for religious reasons are prevented from voting, on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 90,
subs. 8,
amended

(2) Subsection 8 of the said section 90 is amended by adding "or" at the end of clause *c* of the declaration and by adding thereto the following clause:

(*d*) for religious reasons, am prevented from voting on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 150,
subs. 2,
amended

8. Subsection 2 of section 150 of *The Municipal Act* is amended by inserting after "Where" in the first line "in a year in which an election is to be held" and by striking out "in any year" in the second line, so that the subsection shall read as follows:

When
vacancy
need not
be filled

(2) Where in a year in which an election is to be held a vacancy occurs in the office of councillor after the 1st day of November or after the 1st day of October where a by-law has been passed under section 44 and an election has not been ordered in a judicial proceeding, it is not necessary that the vacancy be filled if the council so directs.

R.S.O. 1960,
c. 249, s. 151,
cl. *b*,
repealed

9. Clause *b* of section 151 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 152,
subs. 1,
amended

10. Subsection 1 of section 152 of *The Municipal Act* is amended by striking out "by the master" in the fourth line.

R.S.O. 1960,
c. 249, s. 153,
subs. 1,
amended

11.—(1) Subsection 1 of section 153 of *The Municipal Act* is amended by striking out "or the master, as the case may be" in the eleventh line.

R.S.O. 1960,
c. 249, s. 153,
subs. 2,
amended

(2) Subsection 2 of the said section 153 is amended by striking out "or master" in the second line and in the fourth line.

SECTION 7. The amendments authorize persons who for religious reasons are prevented from voting on the day fixed for polling to vote at an advance poll.

SECTION 8. Subsection 2 provides that, where a vacancy occurs in the office of councillor after the 1st day of November, it need not be filled. The amendment is to deal with vacancies that occur in a two-year term of office.

SECTION 9. At present, proceedings with respect to the validity of an election or the right of a member to hold his seat may be before a judge of the Supreme Court, the master or a judge of the county court. The amendments remove such proceedings from the master.

SECTION 10. See note to section 9.

SECTION 11. See note to section 9.

SECTION 12. See note to section 9.

SECTION 13. See note to section 9.

SECTION 14. See note to section 9.

SECTION 15. See note to section 9.

SECTION 16. See note to section 9.

SECTION 17. See note to section 9.

SECTION 18. See note to section 9.

SECTION 19. See note to section 9.

SECTION 20. See note to section 9.

SECTION 21. See note to section 9.

SECTION 22. See note to section 9.

SECTION 23. Under section 198*a*, a member of council or a local board is required to disclose his interest in any contract, etc., with council. The new subsection 7 provides that, if he does not disclose his interest under section 198*a*, he loses his exemption from disqualification with respect to being a shareholder or lessee of a corporation or having an interest in a newspaper, etc.

(3) Subsection 3 of the said section 153 is amended by striking out "or master" in the second line. R.S.O. 1960,
c. 249, s. 153,
subs. 3,
amended

(4) Subsection 4 of the said section 153 is amended by striking out "or before the master" in the second line. R.S.O. 1960,
c. 249, s. 153,
subs. 4,
amended

12. Section 156 of *The Municipal Act* is amended by striking out "or master" in the third line. R.S.O. 1960,
c. 249, s. 156,
amended

13. Section 159 of *The Municipal Act* is amended by striking out "or the master" in the sixth line. R.S.O. 1960,
c. 249, s. 159,
amended

14. Section 160 of *The Municipal Act* is amended by striking out "or master" in the fifth line. R.S.O. 1960,
c. 249, s. 160,
amended

15. Section 161 of *The Municipal Act* is amended by striking out "or master" in the first line and in the seventh line. R.S.O. 1960,
c. 249, s. 161,
amended

16. Subsection 1 of section 163 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 163,
subs. 1,
amended

17.—(1) Subsection 1 of section 164 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 164,
subs. 1,
amended

(2) Subsection 2 of the said section 164 is amended by striking out "or before the master" in the eighth and ninth lines. R.S.O. 1960,
c. 249, s. 164,
subs. 2,
amended

18. Subsection 1 of section 167 of *The Municipal Act* is amended by striking out "or master" in the sixth line. R.S.O. 1960,
c. 249, s. 167,
subs. 1,
amended

19. Subsection 2 of section 168 of *The Municipal Act* is amended by striking out "or master" in the second line. R.S.O. 1960,
c. 249, s. 168,
subs. 2,
amended

20. Section 169 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 169,
amended

21. Subsection 1 of section 170 of *The Municipal Act* is amended by striking out "of the master or" in the second and third lines. R.S.O. 1960,
c. 249, s. 170,
subs. 1,
amended

22. Subsection 2 of section 171 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 171,
subs. 2,
amended

23. Section 198a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249,
s. 198a
(1960-61,
c. 59, s. 6),
amended

(7) Where a member of a council or local board as defined in *The Department of Municipal Affairs Act*, being under a duty to disclose his interest and to apply Where
exemption
from dis-
qualification
does not
apply

refrain from the consideration or discussion of or voting on any question under subsection 1, fails to disclose his interest or to refrain from the consideration or discussion of or voting on such question, he is not entitled to exemption from disqualification under clauses *a, b, d* and *l* of subsection 3 of section 35.

R.S.O. 1960,
c. 249,
amended

24. *The Municipal Act* is amended by adding thereto the following section:

Application
of ss. 198,
198*a* re
filling of
vacancies

198*b*. Sections 198 and 198*a* do not apply to the election or appointment of a member of council to fill a vacancy in the council or in any local board as defined by *The Department of Municipal Affairs Act* when the council is empowered or required by any general or special Act to fill such vacancy.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 201,
amended

25.—(1) Section 201 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

In cities of
not less than
100,000

(1) Subject to subsection 2, in cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

R.S.O. 1960,
c. 249, s. 201,
amended

(2) The said section 201 is further amended by adding thereto the following subsections:

City may
dispense
with board
of
control

(2) The council of a city having a population of not less than 100,000 may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law providing that the city shall not have a board of control.

Approval of
Municipal
Board

(3) No by-law passed under subsection 2 shall come into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 249, s. 202,
re-enacted

26. Section 202 of *The Municipal Act* is repealed and the following substituted therefor:

In cities
of not less
than 45,000
and other
local muni-
cipalities
of not less
than 100,000

202.—(1) In cities having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law,

(*a*) where the council, excluding the head of council, reeve and deputy reeve, consists of ten or more members, providing that there

SECTION 24. The new section 198b is to make it clear that the provisions respecting disclosure of interest of a member of council do not apply to the election or appointment of members of council to fill vacancies on council or a local board.

SECTION 25. The amendments authorize the council of a city having a population of 100,000 or more to dispense with its board of control. The amendments are complementary to section 26 of this Bill.

SECTION 26. At present, cities having a population of not less than 100,000 are required to have a board of control, and cities having a population of less than 100,000 but more than 45,000 may have a board of control. These boards consist of the mayor and four controllers. Cities having a population of 45,000 or less may have a board of control consisting of the mayor and two controllers.

Section 202 is revised to authorize cities having a population of not less than 45,000 and other local municipalities having a population of not less than 100,000, by an affirmative vote of two-thirds of all the members of council, to provide for a board of control consisting of the head of council and four controllers or two controllers as provided in the revised section.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

RECEIVED
JAN 10 1964

FROM
DR. J. H. GOLDSTEIN

TO
DR. J. H. GOLDSTEIN
1000 S. MICHIGAN AVE.
CHICAGO, ILL. 60607

RE: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

shall be a board of control consisting of the head of council and four controllers to be elected by general vote; or

- (b) where the council, excluding the head of council, reeve and deputy reeve, consists of less than ten members, providing that there shall be a board of control consisting of the head of council and two controllers to be elected by general vote.
- (2) No by-law passed under subsection 1 or a by-law that repeals a by-law passed under subsection 1 comes into force without the approval of the Municipal Board. Approval of Municipal Board
- (3) Notwithstanding any other provision in this Act, where the council of a municipality provides that there shall be a board of control in the municipality, the council shall be composed of such members, except a reeve who is not the head of council and a deputy reeve, as are otherwise provided in this Act together with the members of the board of control. Composition of council
- (4) For the purpose of representation on county council, County representation
 - (a) in the case of a town,
 - (i) the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the reeve of the town, and
 - (ii) the controller who at such election received the second highest number of votes shall be deemed to be the deputy reeve of the town; and
 - (b) in the case of any other local municipality that is entitled to a deputy reeve, the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the deputy reeve of the local municipality;
 - (c) where because of a tie vote it cannot be ascertained which controller received the highest or second highest number of votes or where one or more of the controllers is elected by acclamation, the controller who shall be deemed to be reeve or deputy reeve, as the case may be, shall be determined by resolution of council.

R.S.O. 1960,
c. 249, s. 203,
subss. 1-6,
amended

27. Section 203 of *The Municipal Act* is amended by striking out "city" in the first line of subsections 1, 2, 3, 4, 5 and 6 and inserting in lieu thereof in each instance "municipality".

R.S.O. 1960,
amended

28. Section 204 of *The Municipal Act* is amended by striking out "mayor" in the first line and inserting in lieu thereof "head of council", so that the section shall read as follows:

Presiding
officer to
act in
absence
of head
of council

204. During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board.

R.S.O. 1960,
c. 249, s. 205,
subss. 1,
re-enacted

29. Subsection 1 of section 205 of *The Municipal Act* is repealed and the following substituted therefor:

Quorum
Head of
council
to preside

(1) A majority of the members of a board of control is a quorum, and the head of council shall preside at the meetings of the board, and, in his absence, the members shall appoint one of their number to preside.

R.S.O. 1960,
c. 249, s. 207,
subss. 6,
repealed

30. Subsection 6 of section 207 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249,
ss. 208, 209,
repealed

31. Sections 208 and 209 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249,
amended

32. *The Municipal Act* is amended by adding thereto the following section:

Publication
of financial
statement,
etc.

223b.—(1) The treasurer of every local municipality in every year shall, within one month after having received the audited financial statement of the municipality, cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality a copy of,

(a) the balance sheet or sheets and the corresponding statement of surplus as of the 31st day of December of the preceding year; and

(b) the statement of revenue and expenditure for the preceding year,

as certified by the auditor, and

SECTION 27. The amendments are complementary to section 26 of this Bill.

SECTION 28. Complementary to section 26 of this Bill.

SECTION 29. The amendment is complementary to section 26 of this Bill.

SECTION 30. Complementary to section 26 of this Bill.

SECTION 31. The sections repealed provide for executive committees in townships. These sections are no longer necessary as boards of control are authorized by the revision of section 202 in section 26 of this Bill.

SECTION 32. The new section 223b is self-explanatory.

SECTION 33. Section 223*b* requires the treasurer to cause to be published the balance sheets and the statement of revenue and expenditure, etc., for each year. The amendment requires the auditor to prepare the necessary material.

SECTION 34. The new subsection 6 prohibits the repeal of a by-law that provides for a retirement allowance.

SECTION 35. Section 245, which prohibits certain acts of council after a new council is elected and before it takes office, is amended to provide that it does not apply where the new council is composed of at least three-quarters of the members of the present council.

SECTION 36. At the 1960-61 session, the provisions of the Act respecting fixed assessments were repealed. One of the provisions provided that the power of a municipality to grant bonuses in aid of manufacturing businesses was limited to a fixed assessment. The new section 248*a* is to make it clear that a council cannot grant bonuses in aid of manufacturing businesses, etc.

The new section 248*b* is to make it clear that municipal documents may not be destroyed without the approval of the Department.

(c) the report of the auditor thereon,
in such form as the Department may prescribe.

- (2) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of council, would be of interest to the ratepayers.

33. Section 229 of *The Municipal Act* is amended by adding at the end thereof "and shall prepare the material to be published by the treasurer under section 223b", so that the section shall read as follows:

229. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department and shall prepare the material to be published by the treasurer under section 223b.

34. Section 240 of *The Municipal Act* is amended by adding thereto the following subsection:

- (6) No by-law passed under this section shall be repealed.

35. Section 245 of *The Municipal Act* is amended by adding thereto the following subsection:

- (2) Subsection 1 does not apply if the new council that will take office after the poll or acclamation will be composed of not less than three-quarters of the members of the council as composed at the time of the poll or acclamation.

36. *The Municipal Act* is amended by adding thereto the following sections:

- 248a. Notwithstanding any general or special Act, a council shall not grant bonuses in aid of any manufacturing business or other industrial or commercial enterprise.

- 248b. A municipality or a local board thereof as defined in *The Department of Municipal Affairs Act* shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers without first having obtained the approval of the Department.

R.S.O. 1960,
c. 249,
amended

37. *The Municipal Act* is amended by adding thereto the following section:

Joint
works

250a. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council.

R.S.O. 1960,
c. 249, s. 286,
subs. 3,
amended

38. Subsection 3 of section 286 of *The Municipal Act* is amended by inserting after "apply" in the first line "so as to require the assent of the electors", so that the subsection, exclusive of the clauses, shall read as follows:

Exceptions

(3) Subsection 1 does not apply so as to require the assent of the electors to a by-law passed,

.

R.S.O. 1960,
c. 249, s. 303,
amended

39. Section 303 of *The Municipal Act* is amended by adding thereto the following subsection:

Use of
proceeds
of sale of
property
acquired
from pro-
ceeds of
sale of
debentures

(4) Where real or personal property acquired with all or part of the proceeds of the sale of debentures is sold while any part of the debentures remains outstanding, the net proceeds of the sale, to the extent of the amount of principal and interest then outstanding on such debentures, shall be applied in accordance with subsections 2 and 3.

R.S.O. 1960,
c. 249, s. 358,
subs. 2,
re-enacted;
subs. 3,
repealed

40.—(1) Subsections 2 and 3 of section 358 of *The Municipal Act* are repealed and the following substituted therefor:

Appointment
of jailer,
etc.

(2) The county or city that provides and maintains a jail shall appoint a jailer, jail surgeon and other jail employees and shall fix and pay their salaries, but the appointment of the jailer is subject to the approval of the Minister of Reform Institutions.

R.S.O. 1960,
c. 249, s. 358,
subss. 5, 6,
repealed

(2) Subsections 5 and 6 of the said section 358 are repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 21,
repealed

41.—(1) Paragraph 21 of section 377 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 47,
amended

(2) Paragraph 47 of the said section 377 is amended by adding at the end thereof "and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating

SECTION 37. Section 472, which authorizes agreements between councils of municipalities in the same county for joint works within the jurisdiction of council, is transferred to Part IX of the Act which contains general provisions applicable to all municipalities. Also, the provision is amended to authorize such agreements whether or not the municipalities are in the same county.

SECTION 38. The amendment is for the purposes of clarification.

SECTION 39. The amendment provides that the proceeds of the sale of property that has been acquired from the proceeds of the sale of debentures shall be applied to pay off the outstanding debentures.

SECTION 40. At the present time, the Lieutenant Governor in Council may appoint jail employees and fix their salaries but they are paid by municipalities. The amendment transfers to municipalities the appointing and fixing of salaries of jail employees, subject to the Lieutenant Governor's approval for the appointment of the jailer in charge.

SECTION 41—Subsection 1. The paragraph repealed provides for the destruction of records. This is now dealt with in a new section 248b. See section 36 of this Bill.

Subsection 2. The amendment authorizes municipalities to regulate the use of public docks and similar facilities.

Subsections 3 and 4. The amendments remove the requirement of the approval of the Department to the special undertakings in paragraph 69 except with respect to the establishment of club-houses under clause *c*.

and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time", so that the paragraph shall read as follows:

47. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels, and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time.

Erecting and regulating use of docks, etc.

(3) Paragraph 69 of the said section 377 is amended by striking out the first sixteen lines and inserting in lieu thereof the following:

R.S.O. 1960, c. 249, s. 377, par. 69, amended

69. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality that may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of Her Majesty or Her Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

Special undertakings

(4) Clause c of paragraph 69 of the said section 377 is amended by adding at the commencement thereof "Subject to the approval of the Department", so that the clause shall read as follows:

R.S.O. 1960, c. 249, s. 377, par. 69, cl. c, amended

- (c) Subject to the approval of the Department, any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

42.—(1) Paragraph 49 of subsection 1 of section 379 of *The Municipal Act* is amended by inserting after "operations" in the fifth line "and uses incidental thereto", so that the paragraph, exclusive of the clauses, shall read as follows:

Industrial
sites

49. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations and uses incidental thereto.

R.S.O. 1960,
subs. 1,
par. 49,
cl. c,
amended

(2) Clause *c* of paragraph 49 of subsection 1 of the said section 379 is amended by striking out "clause *g* of paragraph 48" in the sixth and seventh lines and inserting in lieu thereof "section 248a", so that the clause shall read as follows:

Sales and
leases here-
under
deemed
not bonuses

(c) Where land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under a by-law passed under this paragraph, is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of section 248a.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

(3) Paragraph 49 of subsection 1 of the said section 379 is further amended by adding thereto the following clause:

Disposal
of land with
Department
approval

(f) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 52, cl. f,
re-enacted

(4) Clause *f* of paragraph 52 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Defined
areas

(f) The powers conferred by this paragraph may be exercised in respect of the whole municipality or any defined area thereof, and a special rate for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section may be imposed upon all the rateable property in the municipality or in any such defined area.

SECTION 42—Subsection 1. At present, the authority of municipalities to deal with industrial sites is limited to sites for the establishment and carrying on of industries and industrial operations. The amendment extends the authority to uses incidental to industrial operations.

Subsection 2. The amendment changes the reference in clause *c* to the new section 248*a* dealing with bonuses in aid of manufacturing businesses.

Subsection 3. Under the present paragraph 49, a municipality may sell or lease lands acquired as industrial sites only for the purpose of sites for the establishment and carrying on of industries and industrial operations or may sell to a local board or may use the land for the purposes of the municipality. The new clause *f* authorizes the sale or disposal of the sites for any purpose with the approval of the Department.

Subsection 4. Paragraph 52 provides for the extension of public utility undertakings, and townships are permitted to exercise their powers in the whole municipality or in defined areas. This authority is extended to all local municipalities. The amendment also makes it clear that a special rate may be levied in defined areas.

Subsections 5 and 6. At present, the levy for garbage collection under paragraph 77 is permitted only upon all the land in the municipality or a defined area. This does not include business assessment. The amendment will permit the levy to be made on this basis or on all the rateable property in the municipality or a defined area which would include business assessment.

SECTION 43. The provisions of *The Factory, Shop and Office Building Act* respecting authority of municipalities to pass by-laws as to the closing of shops are transferred to *The Municipal Act*. These sections are revised to give municipal councils discretion as to whether or not such by-laws should be passed.

(5) Clause *a* of paragraph 77 of subsection 1 of the said section 379 is amended by striking out "clause *c*" in the first line and inserting in lieu thereof "clauses *c* and *d*", so that the clause shall read as follows:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 77, cl. *a*,
amended

- (a) Subject to clauses *c* and *d*, no land is exempt from the special rate, notwithstanding anything to the contrary in any general or special Act or in any by-law.

No land
exempt

(6) Paragraph 77 of subsection 1 of the said section 379 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 77,
amended

- (d) A special rate to defray the expense of such collection, removal and disposal may be levied on all the rateable property in the municipality or the defined areas.

Rate on
all rateable
property

43. The Municipal Act is amended by adding thereto the following sections:

R.S.O. 1960,
c. 249,
amended

379a.—(1) In this section and in any by-law passed thereunder,

Interpre-
tation

- (a) "closed" means not open for the serving of any customer;

- (b) "shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

- (2) Nothing in this section or in a by-law passed under it renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein.

Exception
as to
customers
entering
before
closing hour

- (3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day.

By-law
determining
hours of
closing

Closing of
shops for
weekly
half-
holiday

- (4) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during any time or hours between 12.30 o'clock in the afternoon and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
holiday

- (5) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during the whole of such day and until 5 o'clock in the forenoon of the next following day.

Powers of
township
councils

- (6) The council of every township has, with respect to any part of the township designated in the by-law, all the rights and powers conferred by this section on the council of a city, town or village and may pass by-laws that apply only to the part of the township so designated.

Commence-
ment and
publication
of by-laws

- (7) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing, and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof.

Closing of
shops in
which several
trades are
carried on

- (8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades that is the principal trade carried on in such shop.

Exception
as to sales
by
druggists

- (9) A pharmaceutical chemist or druggist is not, nor is an occupier of, or person employed in or about a shop in a village or township, liable to any penalty under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops, but nothing in this subsection authorizes a person to keep open shop after that hour.

Supplying
articles to
lodgers, etc.

- (10) Nothing in any such by-law renders the occupier of a premises liable to any penalty for supplying an article to a person lodging in such premises, or for supplying an article required for immediate

use by reason of an emergency arising from sickness, ailment or death, or for supplying or selling an article to a person for use on or in or about or with respect to a steamboat or sailing vessel that at the time of such supplying or selling is either in or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to a person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection authorizes a person to keep open shop after the hour appointed by such by-law for the closing of shops.

- (11) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township. By-laws containing different provisions for different localities
- (12) Where an offence for which the occupier of a shop is liable under any such by-law to a penalty has in fact been committed by some agent or servant of the occupier, such agent or servant is liable to the same penalty as if he were the occupier. Agent or servant liable to penalty
- (13) Where the occupier of a shop is charged with an offence against any such by-law, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a magistrate at the time appointed for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the magistrate that he used due diligence to enforce the execution of the provisions of the by-law and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty. Exemption of occupier on conviction of actual offender
- (14) A council may amend or repeal any by-law, except a by-law relating to retail gasoline service stations passed on the application of not less than three-quarters in number of the occupiers of such service stations, passed under any predecessor of this section, whether or not such by-law was required to be passed upon the application of any number of occupiers of shops in the municipality. Repeal of by-law

Idem

- (15) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of retail gasoline service stations to which a by-law passed upon the application of not less than three-quarters in number of the occupiers of such service stations relates are opposed to the continuance of the by-law, the council may repeal it, or may repeal it in so far as it affects such retail gasoline service stations.

Retail
gasoline
outletsR.S.O. 1960,
c. 186

379b. In addition to any matter authorized by section 379a, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,

- (a) provide that the by-law shall apply only in the part or parts of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between 6 o'clock in the afternoon of any day and 7 o'clock in the forenoon of the next following day and between 6 o'clock in the afternoon of Saturday and 7 o'clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

Interpre-
tation

379c.—(1) In this section, "hotel" means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels".

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
CHICAGO, ILL.

TO THE HONORABLE CHIEF OF BUREAU
WASHINGTON, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Yours very truly,
J. H. VAN VLIET, Director

Enclosed for the Bureau are two copies of the report of the

Committee on the Proposed Revision of the
Nomenclature of Organic Chemistry, which
has been prepared by the International Union of
Pure and Applied Chemistry, and which is
being published by the American Chemical Society.

I am, Sir, very respectfully,
Yours very truly,
J. H. VAN VLIET, Director

SECTION 44. The amendment limits the authority of municipalities to license and regulate non-resident transient photographers by excluding press and television photographers and commercial photographers on specific assignments to local industries.

SECTION 45. Self-explanatory.

SECTION 46. Section 407 provides for the payment of salaries, etc., to members of local boards except school and library boards. Planning boards are excepted from this section as they are dealt with in *The Planning Act*. See section 8 of Bill 98.

- (2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conducting of an ice-cream parlour, restaurant or cafe, the keeper of an hotel shall not be required,

Sale of
soft drinks,
etc.

- (a) to obtain any licence issued by a municipal authority; or
- (b) to comply with any by-law relating to early closing.

44. Paragraph 4 of section 400 of *The Municipal Act* is amended by adding at the end thereof "provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 249, s. 400,
par. 4,
amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries.

Licensing
non-resident
transient
photog-
raphers

45. *The Municipal Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 249,
amended

- 406a. The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act* group accident insurance to indemnify any member of council or his estate against loss in case he is accidentally killed or injured while travelling on the business of the corporation or in the performance of his duties as a member of council either within or outside the municipality.

Accident
insurance
re members
of council
R.S.O. 1960,
c. 190

46. Section 407 of *The Municipal Act*, as re-enacted by section 22 of *The Municipal Amendment Act, 1960-61*, is amended by inserting after "school" in the third line "planning", so that the section shall read as follows:

R.S.O. 1960,
c. 249, s. 407
(1960-61,
c. 59, s. 22),
amended

Annual
salary for
members of
local boards
R.S.O. 1960,
c. 98

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

R.S.O. 1960,
c. 249, s. 410,
cl. b,
subcl. i,
amended

47. Subclause i of clause b of section 410 of *The Municipal Act* is amended by inserting after "not less than 50,000..... 10,000" in the sixth line "not less than 30,000..... 5,000", so that the subclause shall read as follows:

- (i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 30,000.....	5,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

R.S.O. 1960,
c. 249, s. 426,
subs. 2,
re-enacted

- 48.—(1) Subsection 2 of section 426 of *The Municipal Act* is repealed and the following substituted therefor:

Copy of
agreement
and by-
laws to be
registered

- (2) A copy of any agreement made under subsection 1, together with a copy of the by-laws of each of the municipalities authorizing the execution of the agreement, shall be registered in the registry office of the registry division in which the highway is situate.

R.S.O. 1960,
c. 249, s. 426,
subs. 3,
amended

- (2) Subsection 3 of the said section 426 is amended by striking out "by-law" in the first line and inserting in lieu thereof "agreement and by-laws", so that the subsection shall read as follows:

Effect

- (3) After the registration of the agreement and by-laws, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair.

R.S.O. 1960,
c. 249, s. 459,
amended

49. Section 459 of *The Municipal Act* is amended by adding thereto the following subsection:

SECTION 47. Section 410 provides certain limits upon the amount which municipalities may pay towards the reception or entertainment of persons of distinction and of the travelling expenses of members of council and employees of municipalities. The table as contained in the present legislation makes no provision for any difference between a municipality with a population of 20,000 and a population of 50,000. The amendment provides for municipalities with a population in excess of 30,000.

SECTION 48. The amendments are for the purpose of clarification only.

SECTION 49. When a plan of subdivision is approved by the Minister under *The Planning Act*, the streets in the subdivision are also approved. Under section 459 of *The Municipal Act*, streets may be altered, diverted or stopped up without the approval of the Minister. The amendment will require the approval of the Minister in such cases hereafter.

SECTION 50. At present, the whole council must hear persons who object to the stopping up of a road. The amendment will permit a committee of council to hear such objections.

SECTION 51. Before passing a by-law for establishing, laying out or widening a highway, notice of the proposed by-law is required to be published, and persons who claim their lands will be prejudicially affected may apply to be heard by council under section 462. Section 463 provides that the procedures under section 462 do not apply where the land has been acquired by the corporation or where the persons interested in the land to be taken for establishing and laying out a highway consent to the by-law. The amendment includes widening of highways in addition to establishing and laying out in section 463.

SECTION 52. At present, section 467 authorizes a council to enter into an agreement with the owner of land adjacent to intersections of highways for the removal of fences, etc., obstructing the view of drivers and pedestrians of the highways. The section is amended to include lands adjacent to intersections of highways and railway or rapid transit right-of-ways.

- (8) A by-law passed under clause *b* of subsection 1 in respect of altering or diverting any highway or part of a highway or under clause *c* of subsection 1 does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March, 1946, until it has been approved by the Minister.

50. Clause *b* of subsection 1 of section 462 of *The Municipal Act* is amended by inserting after "council" in the first line "or a committee of council", so that the clause shall read as follows:

R.S.O. 1960,
c. 249, s. 462,
subs. 1,
cl. *b*,
amended

- (*b*) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

51. Section 463 of *The Municipal Act* is amended by striking out "establishing and laying it out" in the third and fourth lines and inserting in lieu thereof "establishing, laying it out or widening it", so that the section shall read as follows:

R.S.O. 1960,
c. 249, s. 463,
amended

463. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation, section 462 does not apply to the by-law.

When
publication
of by-law
not
required

52. Subsection 1 of section 467 of *The Municipal Act* is amended by inserting after "council" in the fourth line "or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way", so that the subsection shall read as follows:

R.S.O. 1960,
c. 249, s. 467,
subs. 1,
amended

- (1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection.

Agreement
for removal
of obstructions
to
view of
drivers

R.S.O. 1960,
c. 249, s. 470,
amended

53. Section 470 of *The Municipal Act* is amended by striking out "road-making machinery, snow-removal equipment" in the third and fourth lines and inserting in lieu thereof "machinery", so that the section shall read as follows:

Purchasing
or renting
machinery

470. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

R.S.O. 1960,
c. 249, s. 472,
repealed

54. Section 472 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 482,
subs. 2,
amended

55.—(1) Subsection 2 of section 482 of *The Municipal Act* is amended by inserting after "apply" in the second line "except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and", so that the subsection shall read as follows:

Recovery
R.S.O. 1960,
cc. 387, 296

(2) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and except that the imprisonment may be for a term of not more than six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for a term of not more than twenty-one days.

Application
of
R.S.O. 1960,
c. 249, s. 482,
subs. 2,
R.S.O. 1960,
c. 296

(2) Subsection 2 of section 482 of *The Municipal Act*, as amended by subsection 1, applies to contraventions occurring after the 1st day of May, 1961, of by-laws passed under section 31 of *The Planning Act* or any predecessor of such section 31.

R.S.O. 1960,
c. 249, s. 488,
subs. 1,
amended

56. Subsection 1 of section 488 of *The Municipal Act* is amended by striking out "but not exceeding" in the ninth line and inserting in lieu thereof "so that the total area does not exceed 500 acres plus", so that the subsection shall read as follows:

SECTION 53. Under subsection 3 of section 286 of *The Municipal Act* the assent of the electors is dispensed with in respect of expenditures for road-making machinery, snow-removal equipment and appliances under section 470. Section 470 is amended so that the assent of the electors is not required for expenditures for any kind of machinery and appliances purchased or rented for the purposes of the municipality.

SECTION 54. The provisions of section 472 are transferred to Part IX of the Act which is of general application to all municipalities. See section 37 of this Bill.

SECTION 55. At present, proceedings to enforce by-laws must be instituted within six months after the time when the subject matter of the proceedings arose. The amendment extends this period with respect to the enforcement of building by-laws to one year.

SECTION 56. When a police village is erected, it may have a population of not less than 150 and an area of not more than 500 acres. Subsection 1 of section 488 provides for adding adjoining land not exceeding 20 acres for each additional 100 of its population over 500. The amendment provides that adjoining land may be added so that the total area will not exceed 500 acres plus 20 acres for each additional 100 of its population over 500.

SECTION 57. The provisions respecting early closing by-laws are transferred to *The Municipal Act*. See section 43 of this Bill.

SECTION 58. Self-explanatory.

- (1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the police village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, by by-law increase the area of the village by adding to it any adjoining land so that the total area does not exceed 500 acres plus twenty acres for each additional 100 of its population over 500.

Annexation
of territory
to police
village

57. Part II of *The Factory, Shop and Office Building Act*, as amended by section 1 of *The Factory, Shop and Office Building Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 130,
Part II
(ss. 78-80),
repealed

58. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to pass by-laws for making grants to persons whose property suffered injury or damage through the effect of flooding in New Brunswick between May 27th and May 29th, 1961, or thereabouts, and to relief committees established to assist such persons.

Grants re
New
Brunswick
floods

59.—(1) This Act, except sections 24, 32, 33 and 47, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 24 and 47 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Sections 32 and 33 come into force on the 1st day of January, 1963.

Idem

60. This Act may be cited as *The Municipal Amendment Act, 1961-62*.

Short title

An Act to amend The Municipal Act

1st Reading

March 26th, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 126

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62



An Act to amend The Municipal Act

MR. CASS

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The population qualification for adopting a ward system is deleted.

SECTION 2. The amendment qualifies the husband of a householder as a candidate for municipal council.

SECTION 3—Subsection 1. The amendment provides that a tenant of land is not disqualified from being elected a member of council where any taxes in respect of the land of a preceding year or years are overdue and unpaid if the taxes are payable by the owner of the land and the rental therefor is not overdue and unpaid at the opening of the nomination meeting.

BILL 126

1961-62

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 13,
subs. 1,
re-enacted

- (1) Where a municipality is incorporated or erected, the Wards Municipal Board shall divide a city and may divide any other local municipality into not less than three wards, and shall designate the name or number each ward shall bear.

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act* is amended by inserting after "wife" in the sixth line "or husband", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 34,
subs. 1,
cl. a,
amended

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality or is the wife or husband of a householder and who resides in or within five miles of the municipality.

3.—(1) Clause *t* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "but this clause does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 35,
subs. 1,
cl. t,
amended

- (t) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid but this clause

does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960, c. 249, s. 35, subs. 3, cl. a, re-enacted (2) Clause *a* of subsection 3 of the said section 35 is repealed and the following substituted therefor:

- (a) of his being a shareholder in an incorporated company having dealings or a contract with the municipal corporation, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such incorporated company and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse.

Application of s. 35, subs. 3, cl. a

(3) Clause *a* of subsection 3 of section 35 of *The Municipal Act*, as re-enacted by subsection 2, does not apply with respect to a contract with the municipal corporation and a corporation of which a member of council is a shareholder, director, manager, secretary, treasurer, secretary-treasurer or agent entered into before subsection 2 comes into force.

R.S.O. 1960, c. 249, s. 35, subs. 3, amended

(4) Subsection 3 of the said section 35, as amended by section 3 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

- (l) of his having entered into an agreement with the corporation in respect of the acquisition of land by the corporation for a road-widening or curve-adjustment or of his having any claim or proceeding against the corporation in respect of the acquisition of land for any such purpose.

R.S.O. 1960, c. 249, s. 45, amended

4. Section 45 of *The Municipal Act* is amended by adding at the end thereof "and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated", so that the section shall read as follows:

Notice

45. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publication in a newspaper having general circulation in the municipality and, in any township where there is no newspaper having general circulation, by posting notice thereof in at least two con-

Subsection 2. At present, a person is not disqualified as a member of council by reason only of his being a shareholder of a corporation that has dealings with a municipal corporation. The amendment provides that such a person loses this exemption from disqualification if he is an officer of the corporation or has a controlling interest in such corporation

Subsection 4. The amendment provides that a member of council is not disqualified by reason only that he has entered into an agreement with or has a claim for compensation against the municipality where the municipality has acquired land from the member for a road-widening or curve-adjustment.

SECTION 4. The amendment provides that the notice of a nomination meeting shall contain a list of the offices for which persons may be nominated.

SECTION 5—Subsection 1. The new subsection requires copies of the notice of the nomination meeting to be prominently displayed in the place of meeting.

Subsection 2. At present, under subsection 6 a candidate may resign any office at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, and in default is deemed to be nominated for the office for which he was first nominated. However, subsection 7 provides that if he makes the filings mentioned in subsection 1 of section 48 before 9 o'clock he is deemed to have resigned for all other offices. Subsection 7 is amended to make the times consistent with those in subsection 6.

SECTION 6. At present, if a candidate for an office dies before the close of the poll, a new election must be held. The section as revised is self-explanatory.

spicuous places in the township, and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated.

5.—(1) Section 46 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249, s. 46,
amended

(1a) The returning officer shall, before calling the nomination meeting to order, prominently display in one or more locations in the place of the nomination meeting three or more copies of the notice required under section 45. Notice to be
displayed
at place of
meeting

(2) Subsection 7 of the said section 46 is amended by inserting after "day" in the fourth line "or within an hour of the close of the nomination meeting, whichever is the later", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 46,
subs. 7,
amended

(7) When a candidate makes the filings mentioned in subsection 1 of section 48 by filing them with the returning officer or the clerk at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. Qualification
of
candidate

6. Section 51 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 51,
re-enacted

51. If, as a result of a candidate for any office dying after having qualified and before the close of the poll, Election
in case of
death of
candidate

(a) a person would be elected by acclamation to such office, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election; or

(b) no person would be elected by acclamation to such office, the returning officer shall omit the name of the deceased candidate from the ballot and the election shall be proceeded with as if the deceased candidate had not been a candidate.

R.S.O. 1960,
c. 249, s. 90,
subs. 1,
amended

7.—(1) Subsection 1 of section 90 of *The Municipal Act* is amended by inserting after "vote" in the sixth line "or of voters for religious reasons are prevented from voting", so that the subsection shall read as follows:

Advance
poll

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, or of voters who for religious reasons are prevented from voting, on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 90,
subs. 8,
amended

(2) Subsection 8 of the said section 90 is amended by adding "or" at the end of clause *c* of the declaration and by adding thereto the following clause:

- (*d*) for religious reasons, am prevented from voting on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 150,
subs. 2,
amended

8. Subsection 2 of section 150 of *The Municipal Act* is amended by inserting after "Where" in the first line "in a year in which an election is to be held" and by striking out "in any year" in the second line, so that the subsection shall read as follows:

When
vacancy
need not
be filled

- (2) Where in a year in which an election is to be held a vacancy occurs in the office of councillor after the 1st day of November or after the 1st day of October where a by-law has been passed under section 44 and an election has not been ordered in a judicial proceeding, it is not necessary that the vacancy be filled if the council so directs.

R.S.O. 1960,
c. 249, s. 151,
cl. b,
repealed

9. Clause *b* of section 151 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 152,
subs. 1,
amended

10. Subsection 1 of section 152 of *The Municipal Act* is amended by striking out "by the master" in the fourth line.

R.S.O. 1960,
c. 249, s. 153,
subs. 1,
amended

11.—(1) Subsection 1 of section 153 of *The Municipal Act* is amended by striking out "or the master, as the case may be" in the eleventh line.

R.S.O. 1960,
c. 249, s. 153,
subs. 2,
amended

(2) Subsection 2 of the said section 153 is amended by striking out "or master" in the second line and in the fourth line.

SECTION 7. The amendments authorize persons who for religious reasons are prevented from voting on the day fixed for polling to vote at an advance poll.

SECTION 8. Subsection 2 provides that, where a vacancy occurs in the office of councillor after the 1st day of November, it need not be filled. The amendment is to deal with vacancies that occur in a two-year term of office.

SECTION 9. At present, proceedings with respect to the validity of an election or the right of a member to hold his seat may be before a judge of the Supreme Court, the master or a judge of the county court. The amendments remove such proceedings from the master.

SECTION 10. See note to section 9.

SECTION 11. See note to section 9.

SECTION 12. See note to section 9.

SECTION 13. See note to section 9.

SECTION 14. See note to section 9.

SECTION 15. See note to section 9.

SECTION 16. See note to section 9.

SECTION 17. See note to section 9.

SECTION 18. See note to section 9.

SECTION 19. See note to section 9.

SECTION 20. See note to section 9.

SECTION 21. See note to section 9.

SECTION 22. See note to section 9.

SECTION 23. Under section 198a, a member of council or a local board is required to disclose his interest in any contract, etc., with council. The new subsection 7 provides that, if he does not disclose his interest under section 198a, he loses his exemption from disqualification with respect to being a shareholder or lessee of a corporation or having an interest in a newspaper, etc.

(3) Subsection 3 of the said section 153 is amended by striking out "or master" in the second line. R.S.O. 1960, c. 249, s. 153, subs. 3, amended

(4) Subsection 4 of the said section 153 is amended by striking out "or before the master" in the second line. R.S.O. 1960, c. 249, s. 153, subs. 4, amended

12. Section 156 of *The Municipal Act* is amended by striking out "or master" in the third line. R.S.O. 1960, c. 249, s. 156, amended

13. Section 159 of *The Municipal Act* is amended by striking out "or the master" in the sixth line. R.S.O. 1960, c. 249, s. 159, amended

14. Section 160 of *The Municipal Act* is amended by striking out "or master" in the fifth line. R.S.O. 1960, c. 249, s. 160, amended

15. Section 161 of *The Municipal Act* is amended by striking out "or master" in the first line and in the seventh line. R.S.O. 1960, c. 249, s. 161, amended

16. Subsection 1 of section 163 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960, c. 249, s. 163, subs. 1, amended

17.—(1) Subsection 1 of section 164 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960, c. 249, s. 164, subs. 1, amended

(2) Subsection 2 of the said section 164 is amended by striking out "or before the master" in the eighth and ninth lines. R.S.O. 1960, c. 249, s. 164, subs. 2, amended

18. Subsection 1 of section 167 of *The Municipal Act* is amended by striking out "or master" in the sixth line. R.S.O. 1960, c. 249, s. 167, subs. 1, amended

19. Subsection 2 of section 168 of *The Municipal Act* is amended by striking out "or master" in the second line. R.S.O. 1960, c. 249, s. 168, subs. 2, amended

20. Section 169 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960, c. 249, s. 169, amended

21. Subsection 1 of section 170 of *The Municipal Act* is amended by striking out "of the master or" in the second and third lines. R.S.O. 1960, c. 249, s. 170, subs. 1, amended

22. Subsection 2 of section 171 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960, c. 249, s. 171, subs. 2, amended

23. Section 198a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 198a (1960-61, c. 59, s. 6), amended

(7) Where a member of a council or local board as defined in *The Department of Municipal Affairs Act*, being under a duty to disclose his interest and to apply exemption from disqualification does not apply

refrain from the consideration or discussion of or voting on any question under subsection 1, fails to disclose his interest or to refrain from the consideration or discussion of or voting on such question, he is not entitled to exemption from disqualification under clauses *a, b, d* and *l* of subsection 3 of section 35.

R.S.O. 1960,
c. 249,
amended

24. *The Municipal Act* is amended by adding thereto the following section:

Application
of ss. 198,
198a re
filling of
vacancies

198b. Sections 198 and 198a do not apply to the election or appointment of a member of council to fill a vacancy, office or position in the council or in any local board as defined by *The Department of Municipal Affairs Act* when the council is empowered or required by any general or special Act to fill such vacancy, office or position.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 201,
amended

25.—(1) Section 201 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

In cities of
not less than
100,000

(1) Subject to subsection 2, in cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

R.S.O. 1960,
c. 249, s. 201,
amended

(2) The said section 201 is further amended by adding thereto the following subsections:

City may
dispense
with board
of
control

(2) The council of a city having a population of not less than 100,000 may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law providing that the city shall not have a board of control.

Approval of
Municipal
Board

(3) No by-law passed under subsection 2 shall come into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 249, s. 202,
re-enacted

26. Section 202 of *The Municipal Act* is repealed and the following substituted therefor:

In cities
of not less
than 45,000
and other
local muni-
cipalities
of not less
than 100,000

202.—(1) In cities having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law,

(a) where the council, excluding the head of council, reeve and deputy reeve, consists of ten or more members, providing that there

SECTION 24. The new section 198b is to make it clear that the provisions respecting disclosure of interest of a member of council do not apply to the election or appointment of members of council to fill vacancies on council or a local board.

SECTION 25. The amendments authorize the council of a city having a population of 100,000 or more to dispense with its board of control. The amendments are complementary to section 26 of this Bill.

SECTION 26. At present, cities having a population of not less than 100,000 are required to have a board of control, and cities having a population of less than 100,000 but more than 45,000 may have a board of control. These boards consist of the mayor and four controllers. Cities having a population of 45,000 or less may have a board of control consisting of the mayor and two controllers.

Section 202 is revised to authorize cities having a population of not less than 45,000 and other local municipalities having a population of not less than 100,000, by an affirmative vote of two-thirds of all the members of council, to provide for a board of control consisting of the head of council and four controllers or two controllers as provided in the revised section.

shall be a board of control consisting of the head of council and four controllers to be elected by general vote; or

- (b) where the council, excluding the head of council, reeve and deputy reeve, consists of less than ten members, providing that there shall be a board of control consisting of the head of council and two controllers to be elected by general vote.
- (2) No by-law passed under subsection 1 or a by-law ^{Approval of Municipal Board} that repeals a by-law passed under subsection 1 comes into force without the approval of the Municipal Board.
- (3) Notwithstanding any other provision in this Act, ^{Composition of council} where the council of a municipality provides that there shall be a board of control in the municipality, the council shall be composed of such members, except a reeve who is not the head of council and a deputy reeve, as are otherwise provided in this Act together with the members of the board of control.
- (4) For the purpose of representation on county council, ^{County representation}
 - (a) in the case of a town,
 - (i) the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the reeve of the town, and
 - (ii) the controller who at such election received the second highest number of votes shall be deemed to be the deputy reeve of the town; and
 - (b) in the case of any other local municipality that is entitled to a deputy reeve, the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the deputy reeve of the local municipality;
 - (c) where because of a tie vote it cannot be ascertained which controller received the highest or second highest number of votes or where one or more of the controllers is elected by acclamation, the controller who shall be deemed to be reeve or deputy reeve, as the case may be, shall be determined by resolution of council.

R.S.O. 1960,
c. 249, s. 203,
subss. 1-6,
amended

27. Section 203 of *The Municipal Act* is amended by striking out "city" in the first line of subsections 1, 2, 3, 4, 5 and 6 and inserting in lieu thereof in each instance "municipality".

R.S.O. 1960,
c. 249, s. 204,
amended

28. Section 204 of *The Municipal Act* is amended by striking out "mayor" in the first line and inserting in lieu thereof "head of council", so that the section shall read as follows:

Presiding
officer to
act in
absence
of head
of council

204. During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board.

R.S.O. 1960,
c. 249, s. 205,
subss. 1,
re-enacted

29. Subsection 1 of section 205 of *The Municipal Act* is repealed and the following substituted therefor:

Quorum

Head of
council
to preside

(1) A majority of the members of a board of control is a quorum, and the head of council shall preside at the meetings of the board, and, in his absence, the members shall appoint one of their number to preside.

R.S.O. 1960,
c. 249, s. 207,
subss. 6,
repealed

30. Subsection 6 of section 207 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249,
ss. 208, 209,
repealed

31. Sections 208 and 209 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249,
amended

32. *The Municipal Act* is amended by adding thereto the following section:

Publication
of financial
statement,
etc.

223b.—(1) The treasurer of every local municipality in every year shall, within one month after having received the audited financial statement of the municipality, cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality a copy of,

(a) the balance sheet or sheets and the corresponding statement of surplus as of the 31st day of December of the preceding year; and

(b) the statement of revenue and expenditure for the preceding year,

as certified by the auditor, and

SECTION 27. The amendments are complementary to section 26 of this Bill.

SECTION 28. Complementary to section 26 of this Bill.

SECTION 29. The amendment is complementary to section 26 of this Bill.

SECTION 30. Complementary to section 26 of this Bill.

SECTION 31. The sections repealed provide for executive committees in townships. These sections are no longer necessary as boards of control are authorized by the revision of section 202 in section 26 of this Bill.

SECTION 32. The new section 223b is self-explanatory.

SECTION 33. Section 223*b* requires the treasurer to cause to be published the balance sheets and the statement of revenue and expenditure, etc., for each year. The amendment requires the auditor to prepare the necessary material.

SECTION 34. The new subsection 6 prohibits the repeal of a by-law that provides for a retirement allowance.

SECTION 35. Section 245, which prohibits certain acts of council after a new council is elected and before it takes office, is amended to provide that it does not apply where the new council is composed of at least three-quarters of the members of the present council.

SECTION 36. At the 1960-61 session, the provisions of the Act respecting fixed assessments were repealed. One of the provisions provided that the power of a municipality to grant bonuses in aid of manufacturing businesses was limited to a fixed assessment. The new section 248*a* is to make it clear that a council cannot grant bonuses in aid of manufacturing businesses, etc.

The new section 248*b* is to make it clear that municipal documents may not be destroyed without the approval of the Department.

(c) the report of the auditor thereon,

in such form as the Department may prescribe.

- (2) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of council, would be of interest to the ratepayers.

33. Section 229 of *The Municipal Act* is amended by adding at the end thereof "and shall prepare the material to be published by the treasurer under section 223b", so that the section shall read as follows:

229. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department and shall prepare the material to be published by the treasurer under section 223b.

34. Section 240 of *The Municipal Act* is amended by adding thereto the following subsection:

- (6) No by-law passed under this section shall be repealed.

35. Section 245 of *The Municipal Act* is amended by adding thereto the following subsection:

- (2) Subsection 1 does not apply if the new council that will take office after the poll or acclamation will be composed of not less than three-quarters of the members of the council as composed at the time of the poll or acclamation.

36. *The Municipal Act* is amended by adding thereto the following sections:

- 248a. Notwithstanding any general or special Act, a council shall not grant bonuses in aid of any manufacturing business or other industrial or commercial enterprise.

- 248b. A municipality or a local board thereof as defined in *The Department of Municipal Affairs Act* shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers without first having obtained the approval of the Department.

R.S.O. 1960, c. 249, amended **37.** *The Municipal Act* is amended by adding thereto the following section:

Joint works

250a. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council.

R.S.O. 1960, c. 249, s. 286, subs. 3, amended

38. Subsection 3 of section 286 of *The Municipal Act* is amended by inserting after "apply" in the first line "so as to require the assent of the electors", so that the subsection, exclusive of the clauses, shall read as follows:

Exceptions

(3) Subsection 1 does not apply so as to require the assent of the electors to a by-law passed,

.

R.S.O. 1960, c. 249, s. 303, amended

39. Section 303 of *The Municipal Act* is amended by adding thereto the following subsection:

Use of proceeds of sale of property acquired from proceeds of sale of debentures

(4) Where real or personal property acquired with all or part of the proceeds of the sale of debentures is sold while any part of the debentures remains outstanding, the net proceeds of the sale, to the extent of the amount of principal and interest then outstanding on such debentures, shall be applied in accordance with subsections 2 and 3.

R.S.O. 1960, c. 249, s. 358, subs. 2, re-enacted; subs. 3, repealed

40.—(1) Subsections 2 and 3 of section 358 of *The Municipal Act* are repealed and the following substituted therefor:

Appointment of jailer, etc.

(2) The county or city that provides and maintains a jail shall appoint a jailer, jail surgeon and other jail employees and shall fix and pay their salaries, but the appointment of the jailer is subject to the approval of the Minister of Reform Institutions.

R.S.O. 1960, c. 249, s. 358, subss. 5, 6, repealed

(2) Subsections 5 and 6 of the said section 358 are repealed.

R.S.O. 1960, c. 249, s. 377, par. 21, repealed

41.—(1) Paragraph 21 of section 377 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 377, par. 47, amended

(2) Paragraph 47 of the said section 377 is amended by adding at the end thereof "and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating

SECTION 37. Section 472, which authorizes agreements between councils of municipalities in the same county for joint works within the jurisdiction of council, is transferred to Part IX of the Act which contains general provisions applicable to all municipalities. Also, the provision is amended to authorize such agreements whether or not the municipalities are in the same county.

SECTION 38. The amendment is for the purposes of clarification.

SECTION 39. The amendment provides that the proceeds of the sale of property that has been acquired from the proceeds of the sale of debentures shall be applied to pay off the outstanding debentures.

SECTION 40. At the present time, the Lieutenant Governor in Council may appoint jail employees and fix their salaries but they are paid by municipalities. The amendment transfers to municipalities the appointing of jail employees and the fixing of their salaries, subject to the Minister's approval for the appointment of the jailer in charge.

SECTION 41—Subsection 1. The paragraph repealed provides for the destruction of records. This is now dealt with in a new section 248*b*. See section 36 of this Bill.

Subsection 2. The amendment authorizes municipalities to regulate the use of public docks and similar facilities.

Subsections 3 and 4. The amendments remove the requirement of the approval of the Department to the special undertakings in paragraph 69 except with respect to the establishment of club-houses under clause c.

and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time", so that the paragraph shall read as follows:

47. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels, and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time.
- Erecting and regulating use of docks, etc.

(3) Paragraph 69 of the said section 377 is amended by striking out the first sixteen lines and inserting in lieu thereof the following:

R.S.O. 1960, c. 249, s. 377, par. 69, amended

69. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality that may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of Her Majesty or Her Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.
- Special undertakings

(4) Clause c of paragraph 69 of the said section 377 is amended by adding at the commencement thereof "Subject to the approval of the Department", so that the clause shall read as follows:

R.S.O. 1960, c. 249, s. 377, par. 69, cl. c, amended

- (c) Subject to the approval of the Department, any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

42.—(1) Paragraph 49 of subsection 1 of section 379 of *The Municipal Act* is amended by inserting after "operations" in the fifth line "and uses incidental thereto", so that the paragraph, exclusive of the clauses, shall read as follows:

Industrial
sites

49. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations and uses incidental thereto.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
cl. c,
amended

(2) Clause c of paragraph 49 of subsection 1 of the said section 379 is amended by striking out "clause g of paragraph 48" in the sixth and seventh lines and inserting in lieu thereof "section 248a", so that the clause shall read as follows:

Sales and
leases here-
under
deemed
not bonuses

- (c) Where land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under a by-law passed under this paragraph, is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of section 248a.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

(3) Paragraph 49 of subsection 1 of the said section 379 is further amended by adding thereto the following clause:

Disposal
of land with
Department
approval

- (f) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 52, cl. f,
re-enacted

(4) Clause f of paragraph 52 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Defined
areas

- (f) The powers conferred by this paragraph may be exercised in respect of the whole municipality or any defined area thereof, and a special rate for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section may be imposed upon all the rateable property in the municipality or in any such defined area.

SECTION 42—Subsection 1. At present, the authority of municipalities to deal with industrial sites is limited to sites for the establishment and carrying on of industries and industrial operations. The amendment extends the authority to uses incidental to industrial operations.

Subsection 2. The amendment changes the reference in clause *c* to the new section 248*a* dealing with bonuses in aid of manufacturing businesses.

Subsection 3. Under the present paragraph 49, a municipality may sell or lease lands acquired as industrial sites only for the purpose of sites for the establishment and carrying on of industries and industrial operations or may sell to a local board or may use the land for the purposes of the municipality. The new clause *f* authorizes the sale or disposal of the sites for any purpose with the approval of the Department.

Subsection 4. Paragraph 52 provides for the extension of public utility undertakings, and townships are permitted to exercise their powers in the whole municipality or in defined areas. This authority is extended to all local municipalities. The amendment also makes it clear that a special rate may be levied in defined areas.

Subsections 5 and 6. At present, the levy for garbage collection under paragraph 77 is permitted only upon all the land in the municipality or a defined area. This does not include business assessment. The amendment will permit the levy to be made on this basis or on all the rateable property in the municipality or a defined area which would include business assessment.

SECTION 43. The provisions of *The Factory, Shop and Office Building Act* respecting authority of municipalities to pass by-laws as to the closing of shops are transferred to *The Municipal Act*. These sections are revised to give municipal councils discretion as to whether or not such by-laws should be passed.

(5) Clause *a* of paragraph 77 of subsection 1 of the said section 379 is amended by striking out "clause *c*" in the first line and inserting in lieu thereof "clauses *c* and *d*", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 77, cl. *a*,
amended

(a) Subject to clauses *c* and *d*, no land is exempt from the special rate, notwithstanding anything to the contrary in any general or special Act or in any by-law. No land
exempt

(6) Paragraph 77 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 77,
amended

(d) A special rate to defray the expense of such collection, removal and disposal may be levied on all the rateable property in the municipality or the defined areas. Rate on
all rateable
property

43. *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 249,
amended

379a.—(1) In this section and in any by-law passed thereunder, Interpre-
tation

(a) "closed" means not open for the serving of any customer;

(b) "shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

(2) Nothing in this section or in a by-law passed under it renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein. Exception
as to
customers
entering
before
closing hour

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day. By-law
determining
hours of
closing

Closing of
shops for
weekly
half-
holiday

- (4) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during any time or hours between 12.30 o'clock in the afternoon and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
holiday

- (5) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during the whole of such day and until 5 o'clock in the forenoon of the next following day.

Powers of
township
councils

- (6) The council of every township has, with respect to any part of the township designated in the by-law, all the rights and powers conferred by this section on the council of a city, town or village and may pass by-laws that apply only to the part of the township so designated.

Commence-
ment and
publication
of by-laws

- (7) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing, and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof.

Closing of
shops in
which several
trades are
carried on

- (8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades that is the principal trade carried on in such shop.

Exception
as to sales
by
druggists

- (9) A pharmaceutical chemist or druggist is not, nor is an occupier of, or person employed in or about a shop in a village or township, liable to any penalty under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops, but nothing in this subsection authorizes a person to keep open shop after that hour.

Supplying
articles to
lodgers, etc.

- (10) Nothing in any such by-law renders the occupier of a premises liable to any penalty for supplying an article to a person lodging in such premises, or for supplying an article required for immediate

use by reason of an emergency arising from sickness, ailment or death, or for supplying or selling an article to a person for use on or in or about or with respect to a steamboat or sailing vessel that at the time of such supplying or selling is either in or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to a person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection authorizes a person to keep open shop after the hour appointed by such by-law for the closing of shops.

- (11) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township. By-laws containing different provisions for different localities
- (12) Where an offence for which the occupier of a shop is liable under any such by-law to a penalty has in fact been committed by some agent or servant of the occupier, such agent or servant is liable to the same penalty as if he were the occupier. Agent or servant liable to penalty
- (13) Where the occupier of a shop is charged with an offence against any such by-law, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a magistrate at the time appointed for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the magistrate that he used due diligence to enforce the execution of the provisions of the by-law and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty. Exemption of occupier on conviction of actual offender
- (14) A council may amend or repeal any by-law, except a by-law relating to retail gasoline service stations passed on the application of not less than three-quarters in number of the occupiers of such service stations, passed under any predecessor of this section, whether or not such by-law was required to be passed upon the application of any number of occupiers of shops in the municipality. Repeal of by-law

Idem (15) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of retail gasoline service stations to which a by-law passed upon the application of not less than three-quarters in number of the occupiers of such service stations relates are opposed to the continuance of the by-law, the council may repeal it, or may repeal it in so far as it affects such retail gasoline service stations.

Retail
gasoline
outlets

379b. In addition to any matter authorized by section 379a, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,

R.S.O. 1960,
c. 186

(a) provide that the by-law shall apply only in the part or parts of the municipality designated in the by-law;

(b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between 6 o'clock in the afternoon of any day and 7 o'clock in the forenoon of the next following day and between 6 o'clock in the afternoon of Saturday and 7 o'clock in the forenoon of the next following Monday; and

(c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

Interpre-
tation

379c.—(1) In this section, "hotel" means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels".

SECTION 44. The amendment limits the authority of municipalities to license and regulate non-resident transient photographers by excluding press and television photographers and commercial photographers on specific assignments to local industries.

SECTION 45. Self-explanatory.

SECTION 46. Section 407 provides for the payment of salaries, etc., to members of local boards except school and library boards. Planning boards are excepted from this section as they are dealt with in *The Planning Act*. See section 8 of Bill 98.

- (2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco etc. ^{Sale of soft drinks, etc.} and the conducting of an ice-cream parlour, restaurant or cafe, the keeper of an hotel shall not be required,

(a) to obtain any licence issued by a municipal authority; or

(b) to comply with any by-law relating to early closing.

44. Paragraph 4 of section 400 of *The Municipal Act* is ^{R.S.O. 1960, c. 249, s. 400, par. 4, amended} amended by adding at the end thereof "provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries", so that the paragraph shall read as follows:

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, ^{Licensing non-resident transient photographers} not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries.

45. *The Municipal Act* is amended by adding thereto the following section: ^{R.S.O. 1960, c. 249, amended}

- 406a. The council of a municipality may pass by-laws for providing by contract with an insurer licensed under ^{Accident insurance re members of council} *The Insurance Act* group accident insurance to indemnify any member of council or his estate against loss in case he is accidentally killed or injured while travelling on the business of the corporation or in the performance of his duties as a member of council either within or outside the municipality. ^{R.S.O. 1960, c. 190}

46. Section 407 of *The Municipal Act*, as re-enacted by ^{R.S.O. 1960, c. 249, s. 407} section 22 of *The Municipal Amendment Act, 1960-61*, is ^{(1960-61, c. 59, s. 22), amended} amended by inserting after "school" in the third line "planning", so that the section shall read as follows:

Annual
salary for
members of
local boards
R.S.O. 1960,
c. 98

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

R.S.O. 1960,
c. 249, s. 410,
cl. b,
subcl. i,
amended

47. Subclause i of clause b of section 410 of *The Municipal Act* is amended by inserting after "not less than 50,000..... 10,000" in the sixth line "not less than 30,000.....5,000", so that the subclause shall read as follows:

- (i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 30,000.....	5,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

R.S.O. 1960,
c. 249, s. 426,
subs. 2,
re-enacted

- 48.—(1) Subsection 2 of section 426 of *The Municipal Act* is repealed and the following substituted therefor:

Copy of
agreement
and by-
laws to be
registered

- (2) A copy of any agreement made under subsection 1, together with a copy of the by-laws of each of the municipalities authorizing the execution of the agreement, shall be registered in the registry office of the registry division in which the highway is situate.

R.S.O. 1960,
c. 249, s. 426,
subs. 3,
amended

- (2) Subsection 3 of the said section 426 is amended by striking out "by-law" in the first line and inserting in lieu thereof "agreement and by-laws", so that the subsection shall read as follows:

Effect

- (3) After the registration of the agreement and by-laws, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair.

R.S.O. 1960,
c. 249, s. 459,
amended

49. Section 459 of *The Municipal Act* is amended by adding thereto the following subsection:

SECTION 47. Section 410 provides certain limits upon the amount which municipalities may pay towards the reception or entertainment of persons of distinction and of the travelling expenses of members of council and employees of municipalities. The table as contained in the present legislation makes no provision for any difference between a municipality with a population of 20,000 and a population of 50,000. The amendment provides for municipalities with a population in excess of 30,000.

SECTION 48. The amendments are for the purpose of clarification only.

SECTION 49. When a plan of subdivision is approved by the Minister under *The Planning Act*, the streets in the subdivision are also approved. Under section 459 of *The Municipal Act*, streets may be altered, diverted or stopped up without the approval of the Minister. The amendment will require the approval of the Minister in such cases hereafter.

SECTION 50. At present, the whole council must hear persons who object to the stopping up of a road. The amendment will permit a committee of council to hear such objections.

SECTION 51. Before passing a by-law for establishing, laying out or widening a highway, notice of the proposed by-law is required to be published, and persons who claim their lands will be prejudicially affected may apply to be heard by council under section 462. Section 463 provides that the procedures under section 462 do not apply where the land has been acquired by the corporation or where the persons interested in the land to be taken for establishing and laying out a highway consent to the by-law. The amendment includes widening of highways in addition to establishing and laying out in section 463.

SECTION 52. At present, section 467 authorizes a council to enter into an agreement with the owner of land adjacent to intersections of highways for the removal of fences, etc., obstructing the view of drivers and pedestrians of the highways. The section is amended to include lands adjacent to intersections of highways and railway or rapid transit right-of-ways.

- (8) A by-law passed under clause *b* of subsection 1 in respect of altering or diverting any highway or part of a highway or under clause *c* of subsection 1 does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March, 1946, until it has been approved by the Minister.

50. Clause *b* of subsection 1 of section 462 of *The Municipal Act* is amended by inserting after "council" in the first line "or a committee of council", so that the clause shall read as follows:

Approval of
Minister

R.S.O. 1960,
c. 249, s. 462
subs. 1,
cl. b,
amended

- (b) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

51. Section 463 of *The Municipal Act* is amended by striking out "establishing and laying it out" in the third and fourth lines and inserting in lieu thereof "establishing, laying it out or widening it", so that the section shall read as follows:

R.S.O. 1960,
c. 249, s. 463,
amended

463. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation, section 462 does not apply to the by-law.

When
publication
of by-law
not
required

52. Subsection 1 of section 467 of *The Municipal Act* is amended by inserting after "council" in the fourth line "or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way", so that the subsection shall read as follows:

R.S.O. 1960,
c. 249, s. 467,
subs. 1,
amended

- (1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection.

Agreement
for removal
of obstruc-
tions to
view of
drivers

R.S.O. 1960,
c. 249, s. 470,
amended

53. Section 470 of *The Municipal Act* is amended by striking out "road-making machinery, snow-removal equipment" in the third and fourth lines and inserting in lieu thereof "machinery", so that the section shall read as follows:

Purchasing
or renting
machinery

470. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

R.S.O. 1960,
c. 249, s. 472,
repealed

54. Section 472 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 482,
subs. 2,
amended

55.—(1) Subsection 2 of section 482 of *The Municipal Act* is amended by inserting after "apply" in the second line "except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and", so that the subsection shall read as follows:

Recovery
R.S.O. 1960,
cc. 387, 296

(2) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and except that the imprisonment may be for a term of not more than six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for a term of not more than twenty-one days.

Application
of
R.S.O. 1960,
c. 249, s. 482,
subs. 2,
R.S.O. 1960,
c. 296

(2) Subsection 2 of section 482 of *The Municipal Act*, as amended by subsection 1, applies to contraventions occurring after the 1st day of May, 1961, of by-laws passed under section 31 of *The Planning Act* or any predecessor of such section 31.

R.S.O. 1960,
c. 249, s. 488,
subs. 1,
amended

56. Subsection 1 of section 488 of *The Municipal Act* is amended by striking out "but not exceeding" in the ninth line and inserting in lieu thereof "so that the total area does not exceed 500 acres plus", so that the subsection shall read as follows:

SECTION 53. Under subsection 3 of section 286 of *The Municipal Act* the assent of the electors is dispensed with in respect of expenditures for road-making machinery, snow-removal equipment and appliances under section 470. Section 470 is amended so that the assent of the electors is not required for expenditures for any kind of machinery and appliances purchased or rented for the purposes of the municipality.

SECTION 54. The provisions of section 472 are transferred to Part IX of the Act which is of general application to all municipalities. See section 37 of this Bill.

SECTION 55. At present, proceedings to enforce by-laws must be instituted within six months after the time when the subject matter of the proceedings arose. The amendment extends this period with respect to the enforcement of building by-laws to one year.

SECTION 56. When a police village is erected, it may have a population of not less than 150 and an area of not more than 500 acres. Subsection 1 of section 488 provides for adding adjoining land not exceeding 20 acres for each additional 100 of its population over 500. The amendment provides that adjoining land may be added so that the total area will not exceed 500 acres plus 20 acres for each additional 100 of its population over 500.

SECTION 57. The provisions respecting early closing by-laws are transferred to *The Municipal Act*. See section 43 of this Bill.

SECTION 58. Self-explanatory.

- (1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the police village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, by by-law increase the area of the village by adding to it any adjoining land so that the total area does not exceed 500 acres plus twenty acres for each additional 100 of its population over 500.

57. Part II of *The Factory, Shop and Office Building Act*, as amended by section 1 of *The Factory, Shop and Office Building Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 130,
Part II
(ss. 78-80),
repealed

58. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to pass by-laws for making grants to persons whose property suffered injury or damage through the effect of flooding in New Brunswick between May 27th and May 29th, 1961, or thereabouts, and to relief committees established to assist such persons.

Grants re
New
Brunswick
floods

59.—(1) This Act, except sections 24, 32, 33 and 47, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 24 and 47 shall be deemed to have come into force on the 1st day of January, 1962.

(3) Sections 32 and 33 come into force on the 1st day of January, 1963.

60. This Act may be cited as *The Municipal Amendment Act, 1961-62*.

Short title

An Act to amend The Municipal Act

1st Reading

March 26th, 1962

2nd Reading

April 5th, 1962

3rd Reading

MR. CASS

*(Reprinted as amended by the
Committee on Municipal Law)*

BILL 126

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Municipal Act

MR. CASS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 126

1961-62

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Municipal Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 249, s. 13,
subs. 1,
re-enacted

- (1) Where a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other local municipality into not less than three wards, and shall designate the name or number each ward shall bear.

2. Clause *a* of subsection 1 of section 34 of *The Municipal Act* is amended by inserting after "wife" in the sixth line "or husband", so that the clause shall read as follows:

R.S.O. 1960,
c. 249, s. 34,
subs. 1,
cl. a,
amended

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality or is the wife or husband of a householder and who resides in or within five miles of the municipality.

3.—(1) Clause *t* of subsection 1 of section 35 of *The Municipal Act* is amended by adding at the end thereof "but this clause does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting", so that the clause shall read as follows:

R.S.O. 1960,
c. 249, s. 35,
subs. 1,
cl. t,
amended

- (t) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid but this clause

does not apply to a tenant of land where the taxes in respect of the land are, under the terms of tenancy, payable by the owner of the land and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960,
c. 249, s. 35,
subs. 3, cl. a,
re-enacted

(2) Clause *a* of subsection 3 of the said section 35 is repealed and the following substituted therefor:

- (a) of his being a shareholder in an incorporated company having dealings or a contract with the municipal corporation, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such incorporated company and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse.

Application
of s. 35,
subs. 3,
cl. a

(3) Clause *a* of subsection 3 of section 35 of *The Municipal Act*, as re-enacted by subsection 2, does not apply with respect to a contract with the municipal corporation and a corporation of which a member of council is a shareholder, director, manager, secretary, treasurer, secretary-treasurer or agent entered into before subsection 2 comes into force.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

(4) Subsection 3 of the said section 35, as amended by section 3 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following clause:

- (l) of his having entered into an agreement with the corporation in respect of the acquisition of land by the corporation for a road-widening or curve-adjustment or of his having any claim or proceeding against the corporation in respect of the acquisition of land for any such purpose.

R.S.O. 1960,
c. 249, s. 45,
amended

4. Section 45 of *The Municipal Act* is amended by adding at the end thereof "and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated", so that the section shall read as follows:

Notice

45. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publication in a newspaper having general circulation in the municipality and, in any township where there is no newspaper having general circulation, by posting notice thereof in at least two con-

spicuous places in the township, and the notice of the nomination meeting shall contain a list of offices that are or will become vacant and for which persons may be nominated.

5.—(1) Section 46 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249, s. 46,
amended

(1a) The returning officer shall, before calling the nomination meeting to order, prominently display in one or more locations in the place of the nomination meeting three or more copies of the notice required under section 45. Notice to be
displayed
at place of
meeting

(2) Subsection 7 of the said section 46 is amended by inserting after "day" in the fourth line "or within an hour of the close of the nomination meeting, whichever is the later", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 46,
subs. 7,
amended

(7) When a candidate makes the filings mentioned in subsection 1 of section 48 by filing them with the returning officer or the clerk at the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. Qualification
of
candidate

6. Section 51 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 51,
re-enacted

51. If, as a result of a candidate for any office dying after having qualified and before the close of the poll, Election
in case of
death of
candidate

(a) a person would be elected by acclamation to such office, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election; or

(b) no person would be elected by acclamation to such office, the returning officer shall omit the name of the deceased candidate from the ballot and the election shall be proceeded with as if the deceased candidate had not been a candidate.

R.S.O. 1960,
c. 249, s. 90,
subs. 1,
amended

7.—(1) Subsection 1 of section 90 of *The Municipal Act* is amended by inserting after "vote" in the sixth line "or of voters who for religious reasons are prevented from voting", so that the subsection shall read as follows:

Advance
poll

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, or of voters who for religious reasons are prevented from voting, on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 90,
subs. 8,
amended

(2) Subsection 8 of the said section 90 is amended by adding "or" at the end of clause *c* of the declaration and by adding thereto the following clause:

- (*d*) for religious reasons, am prevented from voting on the day fixed for polling.

R.S.O. 1960,
c. 249, s. 150,
subs. 2,
amended

8. Subsection 2 of section 150 of *The Municipal Act* is amended by inserting after "Where" in the first line "in a year in which an election is to be held" and by striking out "in any year" in the second line, so that the subsection shall read as follows:

When
vacancy
need not
be filled

- (2) Where in a year in which an election is to be held a vacancy occurs in the office of councillor after the 1st day of November or after the 1st day of October where a by-law has been passed under section 44 and an election has not been ordered in a judicial proceeding, it is not necessary that the vacancy be filled if the council so directs.

R.S.O. 1960,
c. 249, s. 151,
cl. *b*,
repealed

9. Clause *b* of section 151 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 152,
subs. 1,
amended

10. Subsection 1 of section 152 of *The Municipal Act* is amended by striking out "by the master" in the fourth line.

R.S.O. 1960,
c. 249, s. 153,
subs. 1,
amended

11.—(1) Subsection 1 of section 153 of *The Municipal Act* is amended by striking out "or the master, as the case may be" in the eleventh line.

R.S.O. 1960,
c. 249, s. 153,
subs. 2,
amended

(2) Subsection 2 of the said section 153 is amended by striking out "or master" in the second line and in the fourth line.

(3) Subsection 3 of the said section 153 is amended by striking out "or master" in the second line. R.S.O. 1960,
c. 249, s. 153,
subs. 3,
amended

(4) Subsection 4 of the said section 153 is amended by striking out "or before the master" in the second line. R.S.O. 1960,
c. 249, s. 153,
subs. 4,
amended

12. Section 156 of *The Municipal Act* is amended by striking out "or master" in the third line. R.S.O. 1960,
c. 249, s. 156,
amended

13. Section 159 of *The Municipal Act* is amended by striking out "or the master" in the sixth line. R.S.O. 1960,
c. 249, s. 159,
amended

14. Section 160 of *The Municipal Act* is amended by striking out "or master" in the fifth line. R.S.O. 1960,
c. 249, s. 160,
amended

15. Section 161 of *The Municipal Act* is amended by striking out "or master" in the first line and in the seventh line. R.S.O. 1960,
c. 249, s. 161,
amended

16. Subsection 1 of section 163 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 163,
subs. 1,
amended

17.—(1) Subsection 1 of section 164 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 164,
subs. 1,
amended

(2) Subsection 2 of the said section 164 is amended by striking out "or before the master" in the eighth and ninth lines. R.S.O. 1960,
c. 249, s. 164,
subs. 2,
amended

18. Subsection 1 of section 167 of *The Municipal Act* is amended by striking out "or master" in the sixth line. R.S.O. 1960,
c. 249, s. 167,
subs. 1,
amended

19. Subsection 2 of section 168 of *The Municipal Act* is amended by striking out "or master" in the second line. R.S.O. 1960,
c. 249, s. 168,
subs. 2,
amended

20. Section 169 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 169,
amended

21. Subsection 1 of section 170 of *The Municipal Act* is amended by striking out "of the master or" in the second and third lines. R.S.O. 1960,
c. 249, s. 170,
subs. 1,
amended

22. Subsection 2 of section 171 of *The Municipal Act* is amended by striking out "or master" in the first line. R.S.O. 1960,
c. 249, s. 171,
subs. 2,
amended

23. Section 198a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249,
s. 198a
(1960-61,
c. 59, s. 6),
amended

(7) Where a member of a council or local board as defined in *The Department of Municipal Affairs Act*, being under a duty to disclose his interest and to apply

refrain from the consideration or discussion of or voting on any question under subsection 1, fails to disclose his interest or to refrain from the consideration or discussion of or voting on such question, he is not entitled to exemption from disqualification under clauses *a*, *b*, *d* and *l* of subsection 3 of section 35.

R.S.O. 1960,
c. 249,
amended

24. *The Municipal Act* is amended by adding thereto the following section:

Application
of ss. 198,
198a re
filling of
vacancies

198b. Sections 198 and 198a do not apply to the election or appointment of a member of council to fill a vacancy, office or position in the council or in any local board as defined by *The Department of Municipal Affairs Act* when the council is empowered or required by any general or special Act to fill such vacancy, office or position.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 201,
amended

25.—(1) Section 201 of *The Municipal Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

In cities of
not less than
100,000

(1) Subject to subsection 2, in cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

R.S.O. 1960,
c. 249, s. 201,
amended

(2) The said section 201 is further amended by adding thereto the following subsections:

City may
dispense
with board
of
control

(2) The council of a city having a population of not less than 100,000 may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law providing that the city shall not have a board of control.

Approval of
Municipal
Board

(3) No by-law passed under subsection 2 shall come into force without the approval of the Municipal Board.

R.S.O. 1960,
c. 249, s. 202,
re-enacted

26. Section 202 of *The Municipal Act* is repealed and the following substituted therefor:

In cities
of not less
than 45,000
and other
local muni-
cipalities
of not less
than 100,000

202.—(1) In cities having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law,

(a) where the council, excluding the head of council, reeve and deputy reeve, consists of ten or more members, providing that there

shall be a board of control consisting of the head of council and four controllers to be elected by general vote; or

- (b) where the council, excluding the head of council, reeve and deputy reeve, consists of less than ten members, providing that there shall be a board of control consisting of the head of council and two controllers to be elected by general vote.
- (2) No by-law passed under subsection 1 or a by-law that repeals a by-law passed under subsection 1 comes into force without the approval of the Municipal Board. Approval of Municipal Board
- (3) Notwithstanding any other provision in this Act, where the council of a municipality provides that there shall be a board of control in the municipality, the council shall be composed of such members, except a reeve who is not the head of council and a deputy reeve, as are otherwise provided in this Act together with the members of the board of control. Composition of council
- (4) For the purpose of representation on county council, County representation
 - (a) in the case of a town,
 - (i) the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the reeve of the town, and
 - (ii) the controller who at such election received the second highest number of votes shall be deemed to be the deputy reeve of the town; and
 - (b) in the case of any other local municipality that is entitled to a deputy reeve, the controller who at the municipal election next preceding the organization of the county council received the highest number of votes shall be deemed to be the deputy reeve of the local municipality;
 - (c) where because of a tie vote it cannot be ascertained which controller received the highest or second highest number of votes or where one or more of the controllers is elected by acclamation, the controller who shall be deemed to be reeve or deputy reeve, as the case may be, shall be determined by resolution of council.

R.S.O. 1960,
c. 249, s. 203,
subss. 1-6,
amended

27. Section 203 of *The Municipal Act* is amended by striking out "city" in the first line of subsections 1, 2, 3, 4, 5 and 6 and inserting in lieu thereof in each instance "municipality".

R.S.O. 1960,
c. 249, s. 204,
amended

28. Section 204 of *The Municipal Act* is amended by striking out "mayor" in the first line and inserting in lieu thereof "head of council", so that the section shall read as follows:

Presiding
officer to
act in
absence
of head
of council

204. During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board.

R.S.O. 1960,
c. 249, s. 205,
subss. 1,
re-enacted

29. Subsection 1 of section 205 of *The Municipal Act* is repealed and the following substituted therefor:

Quorum

(1) A majority of the members of a board of control is a quorum, and the head of council shall preside at the meetings of the board, and, in his absence, the members shall appoint one of their number to preside.

Head of
council
to preside

R.S.O. 1960,
c. 249, s. 207,
subss. 6,
repealed

30. Subsection 6 of section 207 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249,
ss. 208, 209,
repealed

31. Sections 208 and 209 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249,
amended

32. *The Municipal Act* is amended by adding thereto the following section:

Publication
of financial
statement,
etc.

223b.—(1) The treasurer of every local municipality in every year shall, within one month after having received the audited financial statement of the municipality, cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality a copy of,

(a) the balance sheet or sheets and the corresponding statement of surplus as of the 31st day of December of the preceding year; and

(b) the statement of revenue and expenditure for the preceding year,

as certified by the auditor, and

(c) the report of the auditor thereon,

in such form as the Department may prescribe.

- (2) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of council, would be of interest to the ratepayers.

33. Section 229 of *The Municipal Act* is amended by adding at the end thereof "and shall prepare the material to be published by the treasurer under section 223b", so that the section shall read as follows:

229. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department and shall prepare the material to be published by the treasurer under section 223b.

34. Section 240 of *The Municipal Act* is amended by adding thereto the following subsection:

- (6) No by-law passed under this section shall be repealed.

35. Section 245 of *The Municipal Act* is amended by adding thereto the following subsection:

- (2) Subsection 1 does not apply if the new council that will take office after the poll or acclamation will be composed of not less than three-quarters of the members of the council as composed at the time of the poll or acclamation.

36. *The Municipal Act* is amended by adding thereto the following sections:

248a. Notwithstanding any general or special Act, a council shall not grant bonuses in aid of any manufacturing business or other industrial or commercial enterprise.

248b. A municipality or a local board thereof as defined in *The Department of Municipal Affairs Act* shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers without first having obtained the approval of the Department.

R.S.O. 1960,
c. 249,
amended

37. *The Municipal Act* is amended by adding thereto the following section:

Joint
works

250a. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council.

R.S.O. 1960,
c. 249, s. 286,
subs. 3,
amended

38. Subsection 3 of section 286 of *The Municipal Act* is amended by inserting after "apply" in the first line "so as to require the assent of the electors", so that the subsection, exclusive of the clauses, shall read as follows:

Exceptions

(3) Subsection 1 does not apply so as to require the assent of the electors to a by-law passed,

.

R.S.O. 1960,
c. 249, s. 303,
amended

39. Section 303 of *The Municipal Act* is amended by adding thereto the following subsection:

Use of
proceeds
of sale of
property
acquired
from pro-
ceeds of
sale of
debentures

(4) Where real or personal property acquired with all or part of the proceeds of the sale of debentures is sold while any part of the debentures remains outstanding, the net proceeds of the sale, to the extent of the amount of principal and interest then outstanding on such debentures, shall be applied in accordance with subsections 2 and 3.

R.S.O. 1960,
c. 249, s. 358,
subs. 2,
re-enacted;
subs. 3,
repealed

40.—(1) Subsections 2 and 3 of section 358 of *The Municipal Act* are repealed and the following substituted therefor:

Appointment
of jailer,
etc.

(2) The county or city that provides and maintains a jail shall appoint a jailer, jail surgeon and other jail employees and shall fix and pay their salaries, but the appointment of the jailer is subject to the approval of the Minister of Reform Institutions.

R.S.O. 1960,
c. 249, s. 358,
subs. 5, 6,
repealed

(2) Subsections 5 and 6 of the said section 358 are repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 21,
repealed

41.—(1) Paragraph 21 of section 377 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 47,
amended

(2) Paragraph 47 of the said section 377 is amended by adding at the end thereof "and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating

and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time", so that the paragraph shall read as follows:

47. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels, and for regulating the use of such facilities and prohibiting the use of such facilities by boats and other craft for any time in excess of such period or periods of time as may be prescribed in the by-law, and for regulating and requiring the removal of any boat or craft using any of such facilities in excess of such period or periods of time.

Erecting and
regulating
use of docks,
etc.

(3) Paragraph 69 of the said section 377 is amended by striking out the first sixteen lines and inserting in lieu thereof the following:

R.S.O. 1960,
c. 249, s. 377,
par. 69,
amended

69. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality that may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of Her Majesty or Her Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

Special
undertakings

(4) Clause c of paragraph 69 of the said section 377 is amended by adding at the commencement thereof "Subject to the approval of the Department", so that the clause shall read as follows:

R.S.O. 1960,
c. 249, s. 377
par. 69,
cl. c,
amended

- (c) Subject to the approval of the Department, any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

42.—(1) Paragraph 49 of subsection 1 of section 379 of *The Municipal Act* is amended by inserting after "operations" in the fifth line "and uses incidental thereto", so that the paragraph, exclusive of the clauses, shall read as follows:

Industrial
sites

49. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations and uses incidental thereto.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
cl. 2,
amended

(2) Clause *c* of paragraph 49 of subsection 1 of the said section 379 is amended by striking out "clause *g* of paragraph 48" in the sixth and seventh lines and inserting in lieu thereof "section 248*a*", so that the clause shall read as follows:

Sales and
leases here-
under
deemed
not bonuses

- (*c*) Where land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under a by-law passed under this paragraph, is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of section 248*a*.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 49,
amended

(3) Paragraph 49 of subsection 1 of the said section 379 is further amended by adding thereto the following clause:

Disposal
of land with
Department
approval

- (*f*) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 52, cl. *f*,
re-enacted

(4) Clause *f* of paragraph 52 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Defined
areas

- (*f*) The powers conferred by this paragraph may be exercised in respect of the whole municipality or any defined area thereof, and a special rate for the completion, improvement, alteration, enlargement or extension of any public utility undertaking under this section may be imposed upon all the rateable property in the municipality or in any such defined area.

(5) Clause *a* of paragraph 77 of subsection 1 of the said section 379 is amended by striking out "clause *c*" in the first line and inserting in lieu thereof "clauses *c* and *d*", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 77, cl. a,
amended

(a) Subject to clauses *c* and *d*, no land is exempt from the special rate, notwithstanding anything to the contrary in any general or special Act or in any by-law. No land
exempt

(6) Paragraph 77 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 77,
amended

(d) A special rate to defray the expense of such collection, removal and disposal may be levied on all the rateable property in the municipality or the defined areas. Rate on
all rateable
property

43. *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 249,
amended

379a.—(1) In this section and in any by-law passed thereunder, Interpre-
tation

(a) "closed" means not open for the serving of any customer;

(b) "shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

(2) Nothing in this section or in a by-law passed under it renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of such customers during their continuance therein. Exception
as to
customers
entering
before
closing hour

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on each or any day of the week at and during any time or hours between 6 o'clock in the afternoon of any day and 5 o'clock in the forenoon of the next following day. By-law
determining
hours of
closing

Closing of
shops for
weekly
half-
holiday

- (4) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during any time or hours between 12.30 o'clock in the afternoon and 5 o'clock in the forenoon of the next following day.

Closing of
shops for
weekly
holiday

- (5) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops in the municipality shall be closed and remain closed on one particular day of the week during the whole of such day and until 5 o'clock in the forenoon of the next following day.

Powers of
township
councils

- (6) The council of every township has, with respect to any part of the township designated in the by-law, all the rights and powers conferred by this section on the council of a city, town or village and may pass by-laws that apply only to the part of the township so designated.

Commence-
ment and
publication
of by-laws

- (7) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing, and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof.

Closing of
shops in
which several
trades are
carried on

- (8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades that is the principal trade carried on in such shop.

Exception
as to sales
by
druggists

- (9) A pharmaceutical chemist or druggist is not, nor is an occupier of, or person employed in or about a shop in a village or township, liable to any penalty under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops, but nothing in this subsection authorizes a person to keep open shop after that hour.

Supplying
articles to
lodgers, etc.

- (10) Nothing in any such by-law renders the occupier of a premises liable to any penalty for supplying an article to a person lodging in such premises, or for supplying an article required for immediate

use by reason of an emergency arising from sickness, ailment or death, or for supplying or selling an article to a person for use on or in or about or with respect to a steamboat or sailing vessel that at the time of such supplying or selling is either in or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to a person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel, but nothing in this subsection authorizes a person to keep open shop after the hour appointed by such by-law for the closing of shops.

- (11) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township. By-laws containing different provisions for different localities
- (12) Where an offence for which the occupier of a shop is liable under any such by-law to a penalty has in fact been committed by some agent or servant of the occupier, such agent or servant is liable to the same penalty as if he were the occupier. Agent or servant liable to penalty
- (13) Where the occupier of a shop is charged with an offence against any such by-law, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a magistrate at the time appointed for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the magistrate that he used due diligence to enforce the execution of the provisions of the by-law and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty. Exemption of occupier on conviction of actual offender
- (14) A council may amend or repeal any by-law, except a by-law relating to retail gasoline service stations passed on the application of not less than three-quarters in number of the occupiers of such service stations, passed under any predecessor of this section, whether or not such by-law was required to be passed upon the application of any number of occupiers of shops in the municipality. Repeal of by-law

Idem

- (15) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of retail gasoline service stations to which a by-law passed upon the application of not less than three-quarters in number of the occupiers of such service stations relates are opposed to the continuance of the by-law, the council may repeal it, or may repeal it in so far as it affects such retail gasoline service stations.

Retail gasoline outlets

- 379*b*. In addition to any matter authorized by section 379*a*, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,

R.S.O. 1960,
c. 186

- (a) provide that the by-law shall apply only in the part or parts of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between 6 o'clock in the afternoon of any day and 7 o'clock in the forenoon of the next following day and between 6 o'clock in the afternoon of Saturday and 7 o'clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

Interpre-
tation

- 379*c*.—(1) In this section, "hotel" means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels".

- (2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conducting of an ice-cream parlour, restaurant or cafe, the keeper of an hotel shall not be required,

- (a) to obtain any licence issued by a municipal authority; or
- (b) to comply with any by-law relating to early closing.

44. Paragraph 4 of section 400 of *The Municipal Act* is amended by adding at the end thereof "provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 249, s. 400,
par. 4,
amended

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on specific assignment to local industries.

Licensing
non-resident
transient
photog-
raphers

45. *The Municipal Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 249,
amended

- 406a. The council of a municipality may pass by-laws for providing by contract with an insurer licensed under *The Insurance Act* group accident insurance to indemnify any member of council or his estate against loss in case he is accidentally killed or injured while travelling on the business of the corporation or in the performance of his duties as a member of council either within or outside the municipality.

Accident
insurance
re members
of council
R.S.O. 1960,
c. 190

46. Section 407 of *The Municipal Act*, as re-enacted by section 22 of *The Municipal Amendment Act, 1960-61*, is amended by inserting after "school" in the third line "planning", so that the section shall read as follows:

R.S.O. 1960,
c. 249, s. 407
(1960-61,
c. 59, s. 22),
amended

Annual
salary for
members of
local boards
R.S.O. 1960,
c. 98

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school, planning and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

R.S.O. 1960,
c. 249, s. 410,
cl. b,
subcl. 1,
amended

47. Subclause i of clause b of section 410 of *The Municipal Act* is amended by inserting after "not less than 50,000 10,000" in the sixth line "not less than 30,000 5,000", so that the subclause shall read as follows:

- (i) in the case of a local municipality having a population of,

not less than 500,000	\$50,000
not less than 200,000	30,000
not less than 100,000	20,000
not less than 50,000	10,000
not less than 30,000	5,000
not less than 20,000	3,000
not less than 10,000	2,000
less than 10,000	1,000

R.S.O. 1960,
c. 249, s. 426,
subs. 2,
re-enacted

- 48.—(1) Subsection 2 of section 426 of *The Municipal Act* is repealed and the following substituted therefor:

Copy of
agreement
and by-
laws to be
registered

- (2) A copy of any agreement made under subsection 1, together with a copy of the by-laws of each of the municipalities authorizing the execution of the agreement, shall be registered in the registry office of the registry division in which the highway is situate.

R.S.O. 1960,
c. 249, s. 426,
subs. 3,
amended

- (2) Subsection 3 of the said section 426 is amended by striking out "by-law" in the first line and inserting in lieu thereof "agreement and by-laws", so that the subsection shall read as follows:

Effect

- (3) After the registration of the agreement and by-laws, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair.

R.S.O. 1960,
c. 249, s. 459,
amended

49. Section 459 of *The Municipal Act* is amended by adding thereto the following subsection:

- (8) A by-law passed under clause *b* of subsection 1 in respect of altering or diverting any highway or part of a highway or under clause *c* of subsection 1 does not take effect in respect of any highway or part of a highway shown on a registered plan of subdivision registered after the 27th day of March, 1946, until it has been approved by the Minister. Approval of
Minister

50. Clause *b* of subsection 1 of section 462 of *The Municipal Act* is amended by inserting after "council" in the first line "or a committee of council", so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 462,
subs. 1,
cl. b,
amended

- (b) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

51. Section 463 of *The Municipal Act* is amended by striking out "establishing and laying it out" in the third and fourth lines and inserting in lieu thereof "establishing, laying it out or widening it", so that the section shall read as follows: R.S.O. 1960,
c. 249, s. 463,
amended

463. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing, laying it out or widening it, or where such land has been acquired by the corporation, section 462 does not apply to the by-law. When
publication
of by-law
not
required

52. Subsection 1 of section 467 of *The Municipal Act* is amended by inserting after "council" in the fourth line "or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 467,
subs. 1,
amended

- (1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council or the intersection of a highway under the jurisdiction of the council and a railway or rapid transit right-of-way for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection. Agreement
for removal
of obstruc-
tions to
view of
drivers

R.S.O. 1960,
c. 249, s. 470,
amended

53. Section 470 of *The Municipal Act* is amended by striking out "road-making machinery, snow-removal equipment" in the third and fourth lines and inserting in lieu thereof "machinery", so that the section shall read as follows:

Purchasing
or renting
machinery

470. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

R.S.O. 1960,
c. 249, s. 472,
repealed

54. Section 472 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 482,
subs. 2,
amended

55.—(1) Subsection 2 of section 482 of *The Municipal Act* is amended by inserting after "apply" in the second line "except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and", so that the subsection shall read as follows:

Recovery
R.S.O. 1960,
cc. 387, 296

(2) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that proceedings to enforce by-laws passed under section 31 of *The Planning Act* or any predecessor of such section may be instituted within one year after the time when the subject-matter of the proceedings arose and except that the imprisonment may be for a term of not more than six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for a term of not more than twenty-one days.

Application
of
R.S.O. 1960,
c. 249, s. 482,
subs. 2,
R.S.O. 1960,
c. 296

(2) Subsection 2 of section 482 of *The Municipal Act*, as amended by subsection 1, applies to contraventions occurring after the 1st day of May, 1961, of by-laws passed under section 31 of *The Planning Act* or any predecessor of such section 31.

R.S.O. 1960,
c. 249, s. 488,
subs. 1,
amended

56. Subsection 1 of section 488 of *The Municipal Act* is amended by striking out "but not exceeding" in the ninth line and inserting in lieu thereof "so that the total area does not exceed 500 acres plus", so that the subsection shall read as follows:

- (1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the police village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, by by-law increase the area of the village by adding to it any adjoining land so that the total area does not exceed 500 acres plus twenty acres for each additional 100 of its population over 500. Annexation of territory to police village

57. Part II of *The Factory, Shop and Office Building Act*, as amended by section 1 of *The Factory, Shop and Office Building Amendment Act, 1960-61*, is repealed. R.S.O. 1960, c. 130, Part II (ss. 78-80), repealed

58. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to pass by-laws for making grants to persons whose property suffered injury or damage through the effect of flooding in New Brunswick between May 27th and May 29th, 1961, or thereabouts, and to relief committees established to assist such persons. Grants re New Brunswick floods

59.—(1) This Act, except sections 24, 32, 33 and 47, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 24 and 47 shall be deemed to have come into force on the 1st day of January, 1962. Idem

(3) Sections 32 and 33 come into force on the 1st day of January, 1963. Idem

60. This Act may be cited as *The Municipal Amendment Act, 1961-62*. Short title

An Act to amend The Municipal Act

1st Reading

March 26th, 1962

2nd Reading

April 5th, 1962

3rd Reading

April 17th, 1962

MR. CASS

BILL 127

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to assist in the Establishment and Expansion of Social and Recreational Centres for Elderly Persons

MR. CECILE

THE SENATE OF THE PROVINCE OF ALBERTA
 1951-1952

to be known as the Establishment and Expansion of Social
 and Recreational Centres for Elderly Persons

EXPLANATORY NOTE

The Bill provides for grants to charitable corporations for the purpose of establishing or expanding social and recreational centres for elderly persons.

THE CLERK

BILL 127

1961-62

An Act to assist in the Establishment and Expansion of Social and Recreational Centres for Elderly Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Public Welfare;

(b) "regulations" means the regulations made under this Act.

2. This Act does not apply to any institution, building or premises, or any part thereof, in respect of which a grant has been or may be made under any Act of the Legislature toward the cost of its erection, alteration, extension or acquisition.

3. The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

Approvals
R.S.O. 1960,
c. 71

4.—(1) The Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to an approved corporation for the erection, alteration, extension or acquisition of a building or premises for use as a social and recreational centre for elderly persons of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the corporation, as computed in accordance with the regulations, but no payment shall be made unless the council of the municipality in which the building or premises is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of an amount equal to at least 20 per cent of the cost as so computed.

Paid out of
Consolidated
Revenue
Fund until
April 1, 1963

(2) A grant made under subsection 1 before the 1st day of April, 1963, shall be paid out of the Consolidated Revenue Fund.

Approval
of plans

5. Where an approved corporation applies for a grant under this Act, the site and plans of the building being erected, altered, purchased or otherwise acquired shall be approved by the Minister for the purpose of the grant.

Approval
of changes

6.—(1) No approved corporation that has been paid a grant under section 4 in respect of a social and recreational centre for elderly persons shall,

- (a) change its name or the name of the social and recreational centre; or
- (b) change the site or sell or otherwise dispose of any part of or structurally alter the social and recreational centre,

without the written approval of the Minister.

Approval
of by-laws

(2) No by-law of an approved corporation that affects a social and recreational centre for elderly persons in respect of which a grant has been paid under section 4 has force or effect until it is approved by the Minister in writing.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) governing applications for grants;
- (b) for the purpose of subsection 1 of section 4, prescribing,
 - (i) the manner of determining the amount of the grants payable thereunder, and
 - (ii) the components that may be included in and the manner of computing the cost to an approved corporation of erecting, altering, extending or acquiring buildings or premises;
- (c) prescribing the method, time and manner of the payment of grants;
- (d) prescribing the uses to which a social and recreational centre for elderly persons may be put and the rules governing the establishment and operation of such a centre;

- (e) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8. This Act shall be deemed to have come into force on the 1st day of January, 1962. Commence-
ment

9. This Act may be cited as *The Elderly Persons Social and Recreational Centres Act, 1961-62*. Short title

THE STATE OF NEW YORK
IN SENATE

January 10, 1907.

REPORT
OF THE
COMMISSIONER OF
THE LAND OFFICE
IN RESPONSE TO
A RESOLUTION
PASSED BY THE SENATE
JANUARY 10, 1907.

ALBANY: J. B. LIPPINCOTT COMPANY, 1907.

An Act to assist in the Establishment and
Expansion of Social and Recreational
Centres for Elderly Persons

1st Reading

March 27th, 1962

2nd Reading

3rd Reading

MR. CECILE

BILL 127

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to assist in the Establishment and Expansion of Social and Recreational Centres for Elderly Persons

MR. CECILE

BILL 127

1961-62

An Act to assist in the Establishment and Expansion of Social and Recreational Centres for Elderly Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Minister" means the Minister of Public Welfare;

(b) "regulations" means the regulations made under this Act.

2. This Act does not apply to any institution, building or premises, or any part thereof, in respect of which a grant has been or may be made under any Act of the Legislature toward the cost of its erection, alteration, extension or acquisition.

3. The Lieutenant Governor in Council may approve for the purposes of this Act any corporation without share capital having objects of a charitable nature and incorporated under Part III of *The Corporations Act*.

R.S.O. 1960,
c. 71

4.—(1) The Lieutenant Governor in Council may, out of the moneys that are appropriated therefor by the Legislature, direct payment to an approved corporation for the erection, alteration, extension or acquisition of a building or premises for use as a social and recreational centre for elderly persons of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the corporation, as computed in accordance with the regulations, but no payment shall be made unless the council of the municipality in which the building or premises is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of an amount equal to at least 20 per cent of the cost as so computed.

Paid out of Consolidated Revenue Fund until April 1, 1963 (2) A grant made under subsection 1 before the 1st day of April, 1963, shall be paid out of the Consolidated Revenue Fund.

Approval of plans

5. Where an approved corporation applies for a grant under this Act, the site and plans of the building being erected, altered, purchased or otherwise acquired shall be approved by the Minister for the purpose of the grant.

Approval of changes

6.—(1) No approved corporation that has been paid a grant under section 4 in respect of a social and recreational centre for elderly persons shall,

- (a) change its name or the name of the social and recreational centre; or
- (b) change the site or sell or otherwise dispose of any part of or structurally alter the social and recreational centre,

without the written approval of the Minister.

Approval of by-laws

(2) No by-law of an approved corporation that affects a social and recreational centre for elderly persons in respect of which a grant has been paid under section 4 has force or effect until it is approved by the Minister in writing.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) governing applications for grants;
- (b) for the purpose of subsection 1 of section 4, prescribing,
 - (i) the manner of determining the amount of the grants payable thereunder, and
 - (ii) the components that may be included in and the manner of computing the cost to an approved corporation of erecting, altering, extending or acquiring buildings or premises;
- (c) prescribing the method, time and manner of the payment of grants;
- (d) prescribing the uses to which a social and recreational centre for elderly persons may be put and the rules governing the establishment and operation of such a centre;

(e) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;

(f) prescribing forms and providing for their use;

(g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8. This Act shall be deemed to have come into force on the 1st day of January, 1962. <sup>Commence-
ment</sup>

9. This Act may be cited as *The Elderly Persons Social and Recreational Centres Act, 1961-62.* ^{Short title}

THE UNIVERSITY OF CHICAGO
 DIVISION OF PHYSICS

RECEIVED BY THE PHYSICS DEPARTMENT, UNIVERSITY OF CHICAGO

1	13	17	2
18	18	15	4
1	1	1	1

CHICAGO, ILL., U.S.A.

An Act to assist in the Establishment and
Expansion of Social and Recreational
Centres for Elderly Persons

1st Reading

March 27th, 1962

2nd Reading

April 5th, 1962

3rd Reading

April 17th, 1962

MR. CECILE

BILL 128

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Homes for the Aged Act

MR. CECILE

EXPLANATORY NOTES

SECTION 1. The appointment of members to boards of management of homes by a council of a municipality having a board of control is subject to the recommendation of the board of control.

SECTION 2. The Minister's approval is required for the site for a home in a territorial district.

SECTION 3. The new section authorizes municipalities to hold land for the purpose of entering into trust agreements with residents.

SECTION 4. The amendment limits recovery of the cost of maintenance from residents so that recourse cannot be had to a prescribed amount of assets.

BILL 128

1961-62

An Act to amend The Homes for the Aged Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Homes for the Aged Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 174, s. 6,
amended

(3) Where a home is established and maintained by a city having a board of control, the members of the committee of management shall be appointed on the recommendation of the board of control, and section 206 of *The Municipal Act* applies in respect of the home. recommen-
dation of
board of
control

R.S.O. 1960,
c. 249

2. Subsection 3 of section 7 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 174, s. 7,
subs. 3,
re-enacted

(3) No site for the home shall be selected by the board without first obtaining the approval of the Minister. powers

3. *The Homes for the Aged Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 174,
amended

7a. Where a municipality that establishes and maintains a home or joint home, or the board of management of a home established and maintained under section 4, enters into an agreement with a resident of the home to receive, hold and administer real or personal property of the resident in trust for certain purposes, the municipality or board may receive, hold and administer the property for the purposes of the agreement. Trust
agreements

4. Subsection 1 of section 18 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 174, s. 18,
subs. 1,
re-enacted

Responsi-
bility for
payment

- (1) A resident of a home or joint home is responsible for the payment of the cost of his maintenance, and the cost shall be paid or recovered only out of that portion of his income and assets that is available therefor as determined under the regulations.

R.S.O. 1960,
c. 174, s. 23,
amended

5. Section 23 of *The Homes for the Aged Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Provincial
subsidy

- (1a) Where a home is established and maintained under section 4, in addition to the amount payable under subsection 1, the Lieutenant Governor in Council may direct payment of the proportion that is allocated by the regulations to the unorganized parts of the territorial district of the capital expenditure in respect of which a payment has not been made under subsection 2 of section 20.

R.S.O. 1960,
c. 174, s. 26,
subs. 1, cl. e,
re-enacted

6.—(1) Clause *e* of subsection 1 of section 26 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

- (e) governing the determination of the portion of the income and assets of a resident of a home or joint home that is available for the purpose of paying the cost of his maintenance.

R.S.O. 1960,
c. 174, s. 26,
subs. 1, cl. h,
re-enacted

(2) Clause *h* of subsection 1 of the said section 26 is repealed and the following substituted therefor:

- (h) prescribing the manner of computing the proportion of costs in respect of homes established and maintained under section 4 that shall be allocated to the unorganized parts of territorial districts for the purposes of sections 20 and 23.

R.S.O. 1960,
c. 174, s. 26,
subs. 1,
amended

(3) Subsection 1 of the said section 26 is amended by adding thereto the following clause:

- (na) fixing the term of office of the members of boards of management of homes established under section 4 and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Homes for the Aged Amendment Act, 1961-62*.

SECTION 5. At the present time, the Province pays the proportion of the cost of construction of homes in territorial districts that is referable to the unorganized parts of the district. The new subsection extends this responsibility to other capital expenditures.

SECTION 6—Subsection 1. Supplementary to section 4 of the Bill.

Subsection 2. Supplementary to section 5 of the Bill.

Subsection 3. The clause added provides for fixing the term of membership in a board of management for a home in a territorial district and requiring the chairmanship to be changed at regular intervals.

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100. And the second one is the same as the first one.

An Act to amend
The Homes for the Aged Act

1st Reading

March 27th, 1962

2nd Reading

3rd Reading

MR. CECILE

BILL 128

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Homes for the Aged Act

MR. CECILE

BILL 128

1961-62

An Act to amend The Homes for the Aged Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Homes for the Aged Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 174, s. 6,
amended

(3) Where a home is established and maintained by a city having a board of control, the members of the committee of management shall be appointed on the recommendation of the board of control, and section 206 of *The Municipal Act* applies in respect of the home. recommen-
dation of
board of
control

R.S.O. 1960,
c. 249

2. Subsection 3 of section 7 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 174, s. 7,
subs. 3,
re-enacted

(3) No site for the home shall be selected by the board without first obtaining the approval of the Minister. powers

3. *The Homes for the Aged Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 174,
amended

7a. Where a municipality that establishes and maintains a home or joint home, or the board of management of a home established and maintained under section 4, enters into an agreement with a resident of the home to receive, hold and administer real or personal property of the resident in trust for certain purposes, the municipality or board may receive, hold and administer the property for the purposes of the agreement. Trust
agreements

4. Subsection 1 of section 18 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 174, s. 18,
subs. 1,
re-enacted

Responsi-
bility for
payment

- (1) A resident of a home or joint home is responsible for the payment of the cost of his maintenance, and the cost shall be paid or recovered only out of that portion of his income and assets that is available therefor as determined under the regulations.

R.S.O. 1960,
c. 174, s. 23,
amended

5. Section 23 of *The Homes for the Aged Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Provincial
subsidy

- (1a) Where a home is established and maintained under section 4, in addition to the amount payable under subsection 1, the Lieutenant Governor in Council may direct payment of the proportion that is allocated by the regulations to the unorganized parts of the territorial district of the capital expenditure in respect of which a payment has not been made under subsection 2 of section 20.

R.S.O. 1960,
c. 174, s. 26,
subs. 1, cl. e,
re-enacted

6.—(1) Clause *e* of subsection 1 of section 26 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

- (e) governing the determination of the portion of the income and assets of a resident of a home or joint home that is available for the purpose of paying the cost of his maintenance.

R.S.O. 1960,
c. 174, s. 26,
subs. 1, cl. h,
re-enacted

(2) Clause *h* of subsection 1 of the said section 26 is repealed and the following substituted therefor:

- (h) prescribing the manner of computing the proportion of costs in respect of homes established and maintained under section 4 that shall be allocated to the unorganized parts of territorial districts for the purposes of sections 20 and 23.

R.S.O. 1960,
c. 174, s. 26,
subs. 1,
amended

(3) Subsection 1 of the said section 26 is amended by adding thereto the following clause:

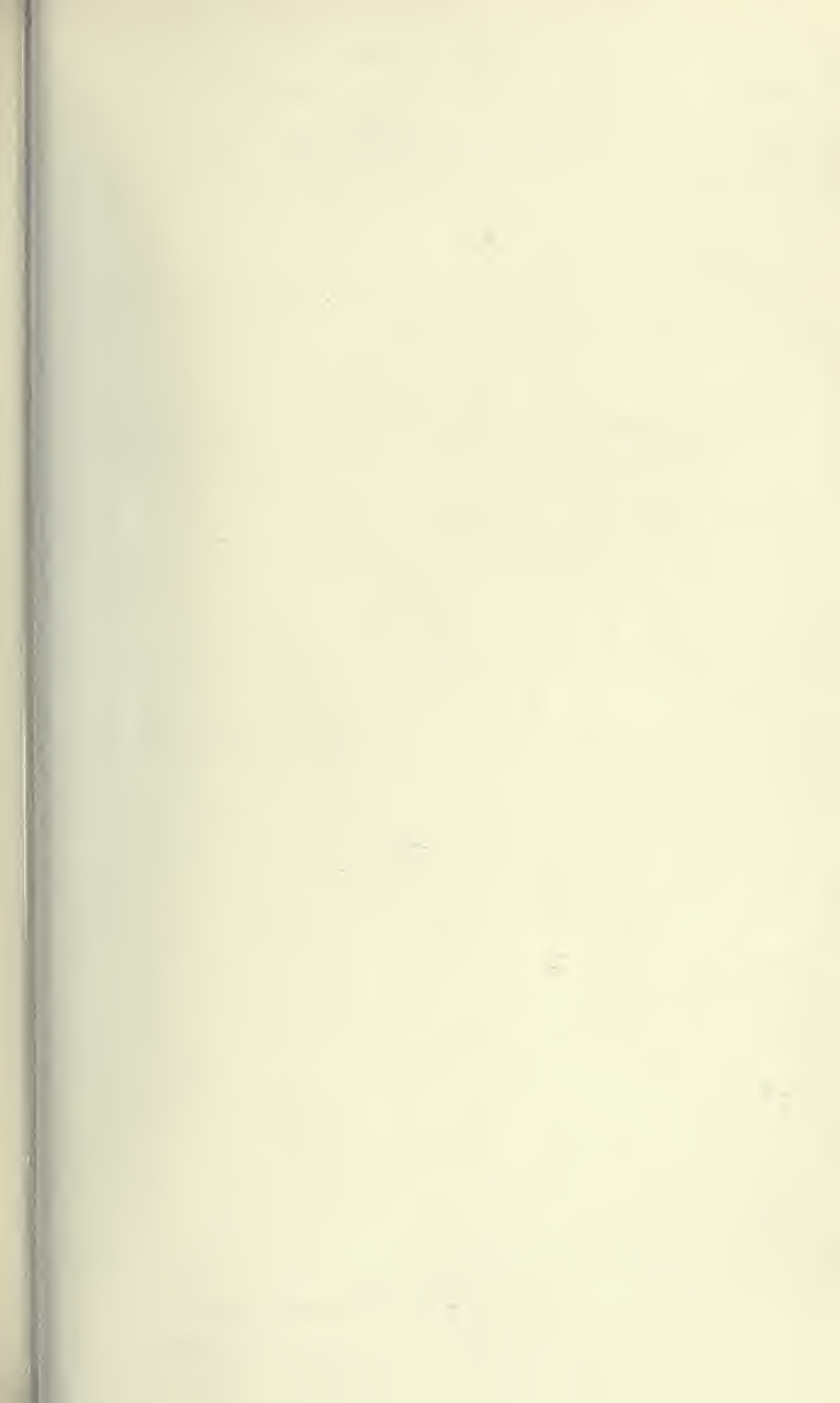
- (na) fixing the term of office of the members of boards of management of homes established under section 4 and requiring the chairmanship of boards of management to change hands at prescribed intervals.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Homes for the Aged Amendment Act, 1961-62*.



THE UNIVERSITY OF CHICAGO

ANNUAL REPORT OF THE BOARD OF TRUSTEES

1906-07	1907-08	1908-09	1909-10	1910-11
1,200,000	1,250,000	1,300,000	1,350,000	1,400,000

An Act to amend
The Homes for the Aged Act

1st Reading

March 27th, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. CECILE

BILL 129

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Mental Hospitals Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. The amendment will authorize regulations under which fees may be paid to private practitioners for examination and certification of persons who are or may be suffering from psychiatric disorders, thereby facilitating admission to Ontario hospitals.

SECTION 2. This amendment is designed to clarify the provisions of *The Mental Hospitals Act* respecting emergency admission of persons suffering from psychiatric disorders by specifically authorizing constables and peace officers to convey such persons to Ontario hospitals and requiring such hospitals to admit them.

BILL 129

1961-62

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 236, s. 5,
subs. 2,
amended

- (ra) prescribing the amounts that may be paid by the Department to medical practitioners who are not officers of the Department for the examination and certification of persons who are or are believed to be in need of observation, care and treatment in an institution and prescribing the terms and conditions of such payment.

2. *The Mental Hospitals Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 236,
amended

27a. In sections 28 and 28a,

Interpre-
tation

(a) "hospital" does not include an approved home;

(b) "safe and comfortable place" includes a hospital.

.

28a.—(1) Notwithstanding subsection 4 of section 28, a person apprehended under that subsection may be conveyed to a hospital and the superintendent shall admit such person as a patient. Where
admission
to hospital
mandatory

(2) The superintendent may detain a person admitted to a hospital under this section for a period of not more than forty-eight hours if his detention is required for his own protection or the protection of others. Detention

Disposition
of patients

- (3) A person who has been admitted to a hospital under this section shall be discharged, or certified under section 22, or certificated under section 27 within forty-eight hours after his admission.

R.S.O. 1960,
c. 236, s. 83,
cl. b,
amended

3. Clause *b* of section 83 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1960-61*, is further amended by adding at the end thereof "or the *Criminal Code* (Canada)", so that the clause shall read as follows:

- (b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations or the *Criminal Code* (Canada).

1952-53,
c. 51 (Can.)

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1961-62* (No. 2.)

SECTION 3. The effect of this amendment is that the Public Trustee will not act as committee of a person remanded by a judge or magistrate to an Ontario mental hospital unless that person specifically appoints the Public Trustee to act as such.

1	2	3	4	5
1	1	1	1	1

An Act to amend
The Mental Hospitals Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 129

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Mental Hospitals Act

MR. DYMOND

BILL 129

1961-62

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Mental Hospitals Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 236, s. 5,
subs. 2,
amended

(ra) prescribing the amounts that may be paid by the Department to medical practitioners who are not officers of the Department for the examination and certification of persons who are or are believed to be in need of observation, care and treatment in an institution and prescribing the terms and conditions of such payment.

2. *The Mental Hospitals Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 236,
amended

27a. In sections 28 and 28a,

Inter-
pre-
tation

(a) "hospital" does not include an approved home;

(b) "safe and comfortable place" includes a hospital.

28a.—(1) Notwithstanding subsection 4 of section 28, a person apprehended under that subsection may be conveyed to a hospital and the superintendent shall admit such person as a patient. Where
admission
to hospital
mandatory

(2) The superintendent may detain a person admitted to a hospital under this section for a period of not more than forty-eight hours if his detention is required for his own protection or the protection of others. Detention

Disposition
of patients

- (3) A person who has been admitted to a hospital under this section shall be discharged, or certified under section 22, or certificated under section 27 within forty-eight hours after his admission.

R.S.O. 1960,
c. 236, s. 83,
cl. b,
amended

3. Clause *b* of section 83 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1960-61*, is further amended by adding at the end thereof "or the *Criminal Code* (Canada)", so that the clause shall read as follows:

- (b) a patient remanded by a judge or a magistrate in accordance with this Act and the regulations or the *Criminal Code* (Canada).

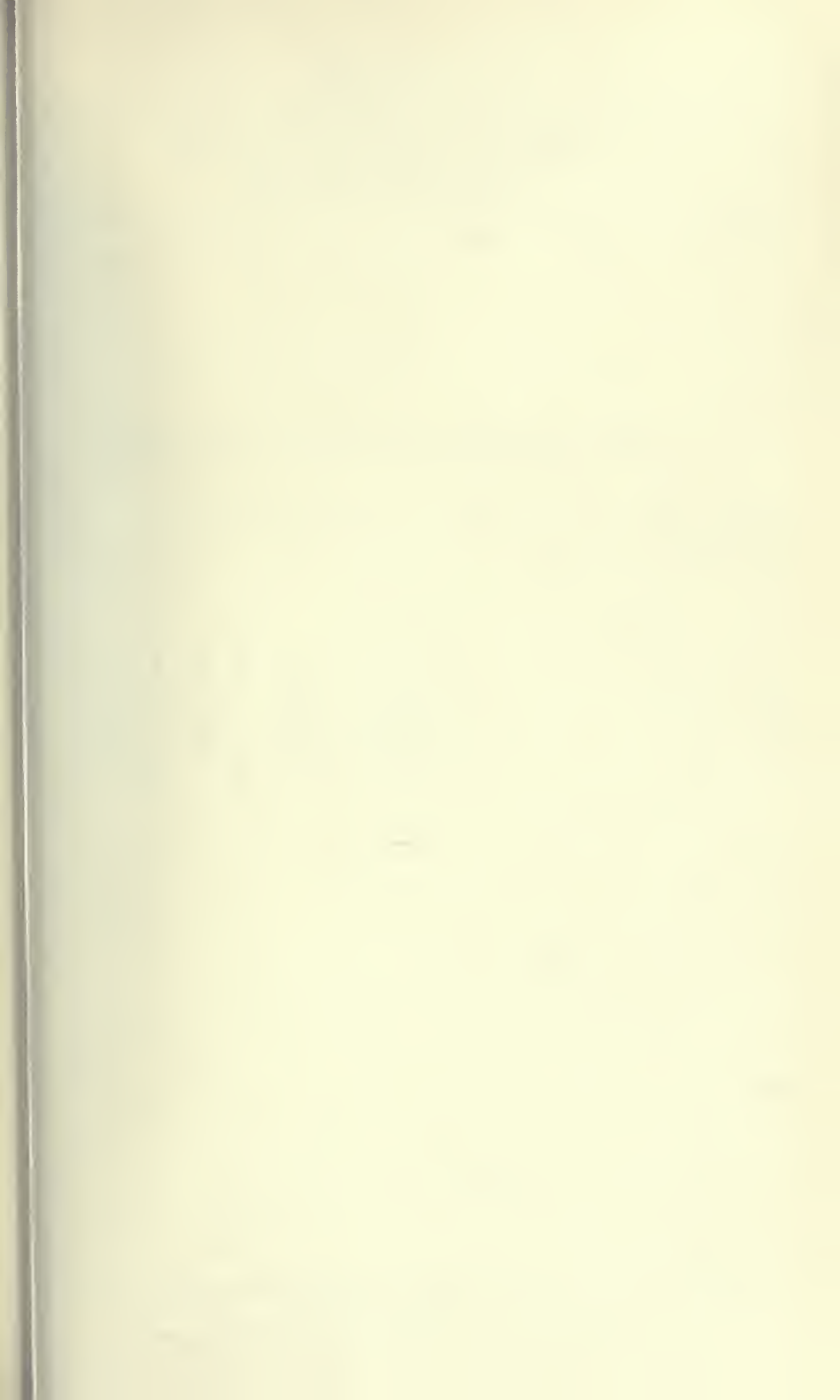
1952-53,
c. 51 (Can.)

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1961-62* (No. 2.)



and having the following figures
and dimensions of the

the 1st to 10th of the following year

No.	Name	Age	Sex	Color	Height	Weight	Measurements	Remarks
1	John	18	M	Black	5' 10"	160	5' 10"	
2	John	18	M	Black	5' 10"	160	5' 10"	
3	John	18	M	Black	5' 10"	160	5' 10"	
4	John	18	M	Black	5' 10"	160	5' 10"	
5	John	18	M	Black	5' 10"	160	5' 10"	
6	John	18	M	Black	5' 10"	160	5' 10"	
7	John	18	M	Black	5' 10"	160	5' 10"	
8	John	18	M	Black	5' 10"	160	5' 10"	
9	John	18	M	Black	5' 10"	160	5' 10"	
10	John	18	M	Black	5' 10"	160	5' 10"	

An Act to amend
The Mental Hospitals Act

1st Reading

March 29th, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 130

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Cemeteries Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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EXPLANATORY NOTES

SECTIONS 1 and 3. These amendments will make applicable to moneys received by cemetery owners on the pre-need sale of cemetery supplies and services the same principles that are now applicable to perpetual care moneys.

SECTION 2. This amendment inserts a necessary reference that was inadvertently omitted in the last revision of the Act.

BILL 130

1961-62

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Cemeteries Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 47, s. 1,
amended

(la) "pre-need assurance fund" means the moneys set aside by the owner out of the amount received from the sale of cemetery supplies and cemetery services as defined by the regulations.

2. Subsection 1 of section 29 of *The Cemeteries Act* is amended by inserting after "of" in the first line "this section and", so that the subsection shall read as follows: R.S.O. 1960,
c. 47, s. 29,
subs. 1,
amended

(1) For the purposes of this section and sections 30 to 37, "owner" includes a trust company to which perpetual care funds have been paid. Interpre-
tation

3. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 47,
amended

37a.—(1) Every owner who sells cemetery supplies and cemetery services as defined by the regulations shall set aside such amount of the amount received by him as the regulations may prescribe as a pre-need assurance fund. Pre-need
assurance
funds

(2) Sections 27 to 37 apply *mutatis mutandis* to pre-need assurance funds. Idem

(3) The Minister or a person designated by him shall be deemed to be a person having an interest in the pre-need assurance funds. Idem

4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment

Idem (2) Sections 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **5.** This Act may be cited as *The Cemeteries Amendment Act, 1961-62.*

An Act to amend
The Cemeteries Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. DYMOND

BILL 130

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Cemeteries Act

MR. DYMOND

BILL 130

1961-62

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Cemeteries Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 47, s. 1,
amended

(1a) "pre-need assurance fund" means the moneys set aside by the owner out of the amount received from the sale of cemetery supplies and cemetery services as defined by the regulations.

2. Subsection 1 of section 29 of *The Cemeteries Act* is amended by inserting after "of" in the first line "this section and", so that the subsection shall read as follows: R.S.O. 1960,
c. 47, s. 29,
subs. 1,
amended

(1) For the purposes of this section and sections 30 to 37, "owner" includes a trust company to which perpetual care funds have been paid. Interpre-
tation

3. *The Cemeteries Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 47,
amended

37a.—(1) Every owner who sells cemetery supplies and cemetery services as defined by the regulations shall set aside such amount of the amount received by him as the regulations may prescribe as a pre-need assurance fund. Pre-need
assurance
funds

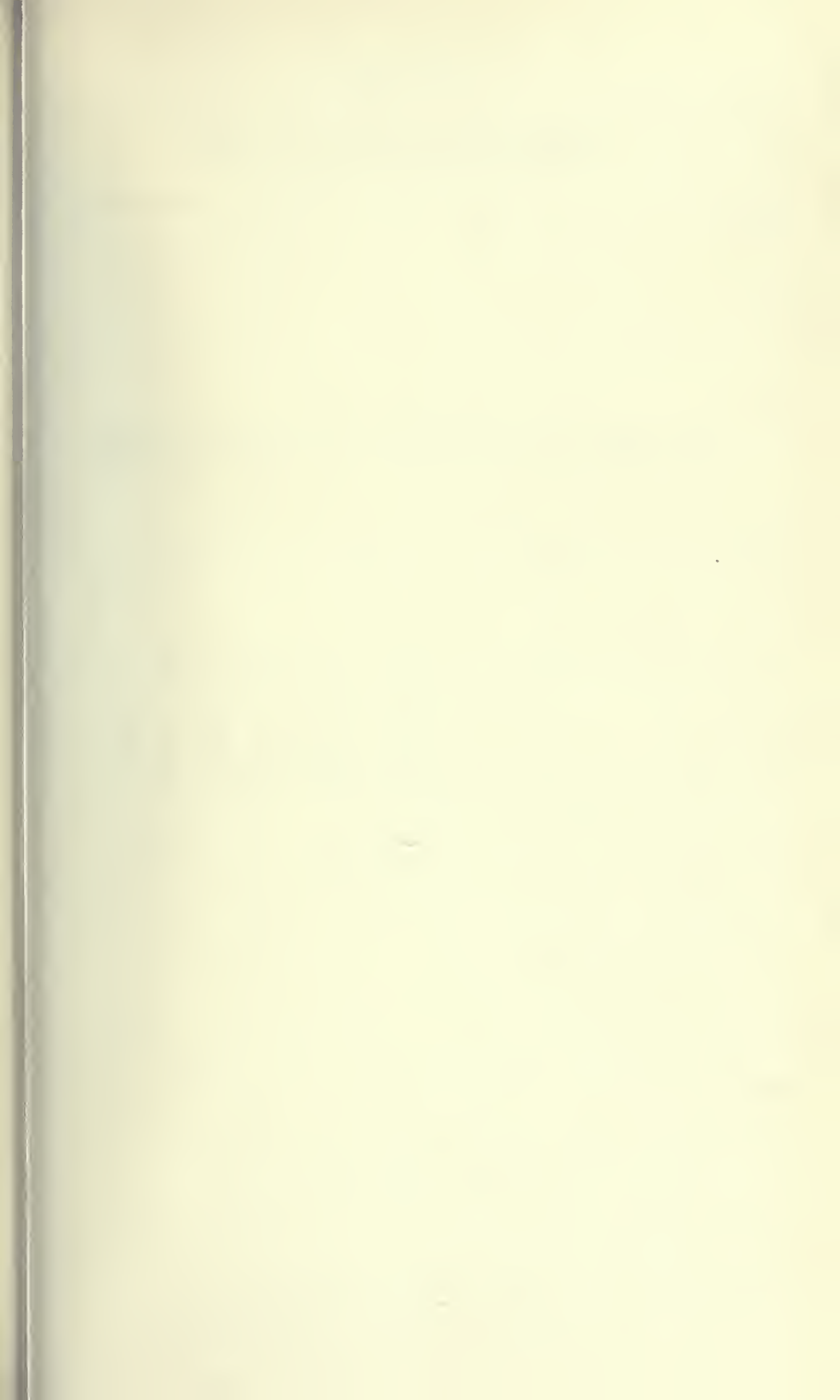
(2) Sections 27 to 37 apply *mutatis mutandis* to pre-need assurance funds. Idem

(3) The Minister or a person designated by him shall be deemed to be a person having an interest in the pre-need assurance funds. Idem

4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment

Idem (2) Sections 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **5.** This Act may be cited as *The Cemeteries Amendment Act, 1961-62*.



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Are you prepared? The following examination test

1. The first part of the test is a multiple choice section. It consists of 25 questions. The second part is a short answer section. It consists of 5 questions. The third part is an essay section. It consists of 2 questions. The total score is 100 points.

An Act to amend
The Cemeteries Act

1st Reading

March 29th, 1962

2nd Reading

April 5th, 1962

3rd Reading

April 17th, 1962

MR. DYMOND

BILL 131

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Housing Development Act

MR. MACAULAY

EXPLANATORY NOTES

SECTION 1. Building development is redefined to include a plan for the re-development of land in blighted or substandard areas in any municipality.

SECTION 2. Section 2 is re-enacted to bring all the provisions with respect to the advance and guarantee of moneys for and grants in aid of housing developments into one section. Clauses *c* and *d* of subsection 1 and subsection 2 are new.

The new sections 3 and 4 are self-explanatory.

BILL 131

1961-62

An Act to amend The Housing Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Housing Development Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 182, s. 1,
cl. *a*,
re-enacted

- (a) "building development" means a project designed to furnish housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor, and includes a plan for the re-development of land in blighted or substandard areas in any municipality.

2. Sections 2, 3 and 4 of *The Housing Development Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 182,
ss. 2-4,
re-enacted

2.—(1) The Lieutenant Governor in Council may,

L.G. in C.
may
advance or
guarantee
moneys for
building
develop-
ments, etc.

- (a) guarantee moneys loaned to persons to be used in the construction of a building development;
- (b) advance moneys or guarantee moneys loaned to any building development corporation to undertake a building development;
- (c) advance moneys or guarantee moneys loaned to persons to acquire and rehabilitate housing units;
- (d) advance moneys or guarantee moneys loaned to any municipality to acquire, demolish and clear dwelling units on land in the municipality that cannot reasonably be rehabilitated for housing purposes; and
- (e) make grants in aid of any housing development.

Use of
certain
lands
restricted

- (2) Where moneys are advanced or guaranteed under clause *d* of subsection 1, the land shall not be used for other than public purposes without the approval of the Minister.

Grants for
studies into
housing and
to assist
house build-
ing industry

3. The Minister of Economics and Development may,
- (a) make grants in aid of studies into housing conditions or any matter relating to housing in Ontario;
 - (b) make grants and otherwise assist the house building industry in Ontario by stimulating and encouraging research, education and constructive competition within the industry.

Advisory
committees

4. The Minister of Economics and Development may, for the purpose of assisting him in the carrying out of his responsibilities, appoint such advisory committees as he may deem necessary and may pay the reasonable travelling and living expenses incurred by the members of such advisory committees.

R.S.O. 1960,
c. 182, s. 6,
subs. 1
(1960-61,
c. 37, s. 1),
amended

3.—(1) Subsection 1 of section 6 of *The Housing Development Act*, as re-enacted by section 1 of *The Housing Development Amendment Act, 1960-61*, is amended by striking out "Commerce" in the second line and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 6,
subs. 1
(1960-61,
c. 37, s. 1),
cl. 6,
amended

(2) Clause *c* of subsection 1 of the said section 6 is amended by striking out "an area specified as an urban renewal area in an agreement between the Crown in right of Ontario, a municipality and Central Mortgage and Housing Corporation established by *The Central Mortgage and Housing Corporation Act* (Canada)" in the third to the eighth lines and inserting in lieu thereof "any municipality", so that the clause shall read as follows:

- (c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in any municipality.

R.S.O. 1960,
c. 182, s. 6,
amended

(3) The said section 6 is amended by adding thereto the following subsection:

Distribution
of payments
in lieu of
taxes

- (9) Where in an agreement made under this Act it is provided that payments shall be made to a municipality in lieu of taxes, such payments shall be distributed by the council of the municipality to each of the bodies for which the council is required

SECTION 3—Subsection 1. The reference to the Minister of Commerce and Development is changed to Minister of Economics and Development.

Subsection 2. The authority to enter into agreements for the acquisition, improvement and conversion of buildings for housing purposes is now limited to areas specified in the agreement as urban renewal areas. The amendment removes this limitation.

Subsection 3. The new subsection 9 provides for the distribution of payments in lieu of taxes under an agreement among the bodies for which the council is required to levy or collect rates.

SECTION 4. The reference to the Minister of Commerce and Development is changed to the Minister of Economics and Development.

SECTION 5. At present, section 9 authorizes a housing authority to conduct inquiries relating to housing conditions in a municipality. The section as revised, in addition to authority to conduct inquiries, authorizes housing authorities to lease privately-owned housing units for occupancy by families of low income and, if requested by a municipality, to manage any housing development in the municipality.

by law to levy or collect rates as if the land in respect of which the payment is made had been assessed and taxed in the usual way, and, for all purposes of distribution of any part of such payments between school boards, the tenants of any joint housing project shall be deemed to be rated as tenants on the assessment roll of the municipality.

4.—(1) Subsection 1 of section 7 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960, c. 182, s. 7, subs. 1, amended

(2) Subsection 2 of the said section 7 is amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960, c. 182, s. 7, subs. 2, amended

(3) Subsection 3 of the said section 7 is amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960, c. 182, s. 7, subs. 3, amended

(4) Subsection 4 of the said section 7 is amended by striking out “Commerce” in the amendment of 1960-61 and inserting in lieu thereof “Economics”. R.S.O. 1960, c. 182, s. 7, subs. 4, amended

5. Section 9 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 182, s. 9, re-enacted

9.—(1) In this section, “family of low income” means a family that receives a total family income that, in the opinion of the Minister of Economics and Development, is insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives. Interpretation

(2) With the approval of the Lieutenant Governor in Council, a corporation constituted under subsection 2 of section 6 may, Powers of management corporations

(a) lease privately-owned housing units for occupancy by families of low income and lease such housing units to families of low income;

(b) if requested by the municipality in which the corporation exercises its powers,

(i) inquire into any matter relating to housing conditions or a building development in the municipality and

report thereon to the municipality with its recommendations; and

- (ii) undertake the management of any housing development in the municipality.

Payment of
expenses re
inquiry

- (3) The municipality at whose request an inquiry is made under subsection 2 may pay all or any part of the expenses incurred by the corporation with respect to such inquiry.

Management
fees

- (4) Where a corporation manages a housing development at the request of a municipality, the municipality shall pay to the corporation such fees for the management of the housing development as may be prescribed by the regulations made under this Act.

R.S.O. 1960,
c. 182, s. 12,
amended

6. Section 12 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 14,
amended

7. Section 14 of *The Housing Development Act* is amended by striking out "and" at the end of clause *a* and by adding thereto the following clauses:

- (c) prescribing fees for the management of housing developments which may be different in respect of any one or more housing developments;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1960,
c. 182, s. 16,
subs. 1,
amended

8.—(1) Subsection 1 of section 16 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 16,
subs. 2,
amended

(2) Subsection 2 of the said section 16, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 17,
amended

9.—(1) Section 17 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

SECTION 6. The reference to the Minister of Commerce and Development is changed to the Minister of Economics and Development.

SECTION 7. The amendment authorizes the making of regulations prescribing fees to be charged by a housing authority for the management of housing developments.

SECTION 8. The reference to the Minister of Commerce and Development is changed to the Minister of Economics and Development.

SECTION 9—Subsection 1. See note to section 8.

Subsection 2. Under section 17, a municipality may enter into agreements with persons for sharing the maintenance costs of housing projects. The amendment provides that maintenance costs include taxes assessed by the municipality against the housing project.

SECTION 10. The reference to the Minister of Commerce and Development is changed to the Minister of Economics and Development.

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 182, s. 17,
amended

(2) For the purpose of subsection 1, "maintenance cost" Maintenance
cost includes taxes assessed by the municipality against the housing project.

10. Section 18 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics". R.S.O. 1960,
c. 182, s. 18,
amended

11.—(1) This Act, except subsection 3 of section 3 and section 5, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsection 3 of section 3 and section 5 shall be deemed to have come into force on the 1st day of January, 1962. Idem

12. This Act may be cited as *The Housing Development Amendment Act, 1961-62*. Short title

An Act to amend
The Housing Development Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. MACAULAY

BILL 131

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Housing Development Act

MR. MACAULAY

BILL 131

1961-62

An Act to amend The Housing Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Housing Development Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 182, s. 1,
cl. a,
re-enacted

- (a) "building development" means a project designed to furnish housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor, and includes a plan for the re-development of land in blighted or substandard areas in any municipality.

2. Sections 2, 3 and 4 of *The Housing Development Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 182,
ss. 2-4,
re-enacted

2.—(1) The Lieutenant Governor in Council may,

L.G. in C.
may
advance or
guarantee
moneys for
building
develop-
ments, etc.

- (a) guarantee moneys loaned to persons to be used in the construction of a building development;
- (b) advance moneys or guarantee moneys loaned to any building development corporation to undertake a building development;
- (c) advance moneys or guarantee moneys loaned to persons to acquire and rehabilitate housing units;
- (d) advance moneys or guarantee moneys loaned to any municipality to acquire, demolish and clear dwelling units on land in the municipality that cannot reasonably be rehabilitated for housing purposes; and
- (e) make grants in aid of any housing development.

Use of
certain
lands
restricted

- (2) Where moneys are advanced or guaranteed under clause *d* of subsection 1, the land shall not be used for other than public purposes without the approval of the Minister.

Grants for
studies into
housing and
to assist
house build-
ing industry

3. The Minister of Economics and Development may,
- (a) make grants in aid of studies into housing conditions or any matter relating to housing in Ontario;
 - (b) make grants and otherwise assist the house building industry in Ontario by stimulating and encouraging research, education and constructive competition within the industry.

Advisory
committees

4. The Minister of Economics and Development may, for the purpose of assisting him in the carrying out of his responsibilities, appoint such advisory committees as he may deem necessary and may pay the reasonable travelling and living expenses incurred by the members of such advisory committees.

R.S.O. 1960,
c. 182, s. 6,
subs. 1
(1960-61,
c. 37, s. 1),
amended

3.—(1) Subsection 1 of section 6 of *The Housing Development Act*, as re-enacted by section 1 of *The Housing Development Amendment Act, 1960-61*, is amended by striking out "Commerce" in the second line and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 6,
subs. 1
(1960-61,
c. 37, s. 1),
cl. c,
amended

(2) Clause *c* of subsection 1 of the said section 6 is amended by striking out "an area specified as an urban renewal area in an agreement between the Crown in right of Ontario, a municipality and Central Mortgage and Housing Corporation established by *The Central Mortgage and Housing Corporation Act* (Canada)" in the third to the eighth lines and inserting in lieu thereof "any municipality", so that the clause shall read as follows:

- (c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in any municipality.

R.S.O. 1960,
c. 182, s. 6,
amended

(3) The said section 6 is amended by adding thereto the following subsection:

Distribution
of payments
in lieu of
taxes

- (9) Where in an agreement made under this Act it is provided that payments shall be made to a municipality in lieu of taxes, such payments shall be distributed by the council of the municipality to each of the bodies for which the council is required

by law to levy or collect rates as if the land in respect of which the payment is made had been assessed and taxed in the usual way, and, for all purposes of distribution of any part of such payments between school boards, the tenants of any joint housing project shall be deemed to be rated as tenants on the assessment roll of the municipality.

4.—(1) Subsection 1 of section 7 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics". R.S.O. 1960,
c. 182, s. 7,
subs. 1,
amended

(2) Subsection 2 of the said section 7 is amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics". R.S.O. 1960,
c. 182, s. 7,
subs. 2,
amended

(3) Subsection 3 of the said section 7 is amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics". R.S.O. 1960,
c. 182, s. 7,
subs. 3,
amended

(4) Subsection 4 of the said section 7 is amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics". R.S.O. 1960,
c. 182, s. 7,
subs. 4,
amended

5. Section 9 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 182, s. 9,
re-enacted

9.—(1) In this section, "family of low income" means a family that receives a total family income that, in the opinion of the Minister of Economics and Development, is insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives. Interpre-
tation

(2) With the approval of the Lieutenant Governor in Council, a corporation constituted under subsection 2 of section 6 may, Powers of
manage-
ment cor-
porations

(a) lease privately-owned housing units for occupancy by families of low income and lease such housing units to families of low income;

(b) if requested by the municipality in which the corporation exercises its powers,

(i) inquire into any matter relating to housing conditions or a building development in the municipality and

report thereon to the municipality with its recommendations; and

- (ii) undertake the management of any housing development in the municipality.

Payment of
expenses re
inquiry

- (3) The municipality at whose request an inquiry is made under subsection 2 may pay all or any part of the expenses incurred by the corporation with respect to such inquiry.

Management
fees

- (4) Where a corporation manages a housing development at the request of a municipality, the municipality shall pay to the corporation such fees for the management of the housing development as may be prescribed by the regulations made under this Act.

R.S.O. 1960,
c. 182, s. 12,
amended

6. Section 12 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 14,
amended

7. Section 14 of *The Housing Development Act* is amended by striking out "and" at the end of clause *a* and by adding thereto the following clauses:

- (c) prescribing fees for the management of housing developments which may be different in respect of any one or more housing developments;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1960,
c. 182, s. 16,
subs. 1,
amended

8.—(1) Subsection 1 of section 16 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 16,
subs. 2,
amended

(2) Subsection 2 of the said section 16, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

R.S.O. 1960,
c. 182, s. 17,
amended

9.—(1) Section 17 of *The Housing Development Act*, as amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 182, s. 17,
amended

- (2) For the purpose of subsection 1, "maintenance cost" Maintenance
cost includes taxes assessed by the municipality against the housing project.

10. Section 18 of *The Housing Development Act*, as amended R.S.O. 1960,
c. 182, s. 18,
amended by section 2 of *The Housing Development Amendment Act, 1960-61*, is further amended by striking out "Commerce" in the amendment of 1960-61 and inserting in lieu thereof "Economics".

11.—(1) This Act, except subsection 3 of section 3 and section 5, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsection 3 of section 3 and section 5 shall be deemed Idem to have come into force on the 1st day of January, 1962.

12. This Act may be cited as *The Housing Development Amendment Act, 1961-62*. Short title

An Act to amend
The Housing Development Act

1st Reading

March 29th, 1962

2nd Reading

April 11th, 1962

3rd Reading

April 17th, 1962

MR. MACAULAY

BILL 132

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Magistrates Act

MR. ROBERTS

THE EFFECT OF THIS BILL WILL BE TO ALLOW THE MAGISTRATES WHO NOW MUST
RETIRE AT 65 TO CONTINUE IN OFFICE TO 70. ALL EXISTING RIGHTS ARE PRESERVED.

EXPLANATORY NOTE

The effect of this Bill will be to allow the magistrates who now must retire at 65 to continue in office to 70. All existing rights are preserved.

BILL 132

1961-62

An Act to amend The Magistrates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 226, s. 4,
re-enacted

4.—(1) Notwithstanding *The Public Service Act*, every magistrate heretofore or hereafter appointed shall retire upon attaining the age of seventy years. Retirement,
general rule
R.S.O. 1960,
c. 331

(2) Notwithstanding *The Public Service Act* and sub-exception section 1, every magistrate appointed before the 1st day of July, 1941, shall retire upon attaining the age of seventy-five years.

(3) Notwithstanding *The Public Service Act* and sub-exception sections 1 and 2, any magistrate appointed before the 1st day of July, 1962, may elect to have the provisions of *The Public Service Act* as to age of retirement apply to him.

2. This Act may be cited as *The Magistrates Amendment Act, 1961-62*. Short title
Act, 1961-62.

An Act to amend
The Magistrates Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 132

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Magistrates Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 132

1961-62

An Act to amend The Magistrates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 226, s. 4,
re-enacted

- 4.—(1) Notwithstanding *The Public Service Act*, every magistrate heretofore or hereafter appointed shall retire upon attaining the age of seventy years. Retirement,
general rule
R.S.O. 1960,
c. 331
- (2) Notwithstanding *The Public Service Act* and sub-exception section 1, every magistrate appointed before the 1st day of July, 1941, shall retire upon attaining the age of seventy-five years.
- (3) Notwithstanding *The Public Service Act* and sub-exception sections 1 and 2, any magistrate appointed before the 1st day of July, 1962, may elect to have the provisions of *The Public Service Act* as to age of retirement apply to him.

2. This Act may be cited as *The Magistrates Amendment Act*, 1961-62. Short title

An Act to amend
The Magistrates Act

1st Reading

March 29th, 1962

2nd Reading

April 2nd, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 133

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Coroners Act

MR. ROBERTS

AN ACT TO AMEND THE METROPOLITAN TORONTO
CORONERS ACT

EXPLANATORY NOTE

The purpose of this Bill is to authorize the appointment of a chief coroner for Metropolitan Toronto.

BILL 133

1961-62

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Coroners Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 69, s. 3,
amended

(5) The Municipality of Metropolitan Toronto shall be deemed to be a city for the purposes of this section. Metro
Toronto

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Coroners Amendment Act*, Short title 1961-62 (No. 2).

An Act to amend The Coroners Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 133

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Coroners Act

MR. ROBERTS

BILL 133

1961-62

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Coroners Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 69, s. 3,
amended
- (5) The Municipality of Metropolitan Toronto shall be deemed to be a city for the purposes of this section.

Metro
Toronto
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Coroners Amendment Act*, Short title 1961-62 (No. 2).

An Act to amend The Coroners Act

1st Reading

March 29th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 134

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Crown Attorneys Act

MR. ROBERTS

EXPLANATORY NOTE

The purpose of this Bill is to facilitate the appointment of *pro tem* Crown attorneys and assist Crown attorneys in order to avoid delays in the administration of justice because of a lack of Crown counsel.

BILL 134

1961-62

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crown Attorneys Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 82, s. 5,
re-enacted

5. When a Crown attorney or an assistant Crown attorney is absent or ill or is unable to perform all his duties, the Deputy Attorney General may appoint a member of the Bar of Ontario to act *pro tem* as Crown attorney or assistant Crown attorney, as the case may be, during the period that the Crown attorney or assistant Crown attorney is absent or ill or is unable to perform all his duties. *Pro tem*
appoint-
ments

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Crown Attorneys Amendment Act, 1961-62 (No. 2)*. Short title

40.5 3.110

CU - COPY

1st Reading
March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

1st Reading
March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

1st Reading
March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 134

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Crown Attorneys Act

MR. ROBERTS

BILL 134

1961-62

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crown Attorneys Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 82, s. 5,
re-enacted

5. When a Crown attorney or an assistant Crown attorney is absent or ill or is unable to perform all his duties, the Deputy Attorney General may appoint a member of the Bar of Ontario to act *pro tem* as Crown attorney or assistant Crown attorney, as the case may be, during the period that the Crown attorney or assistant Crown attorney is absent or ill or is unable to perform all his duties. *Pro tem*
appoint-
ments

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Crown Attorneys Amendment Act, 1961-62 (No. 2)*. Short title

An Act to amend
The Crown Attorneys Act

1st Reading

March 29th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 135

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Master and Servant Act

MR. ROBERTS

THE ACT FOR THE REGULATION OF THE WAGES OF SERVANTS AND LABOURERS

EXPLANATORY NOTES

SECTION 1—Subsection 1. The sum that may be recovered under the Act for wages due a servant or labourer is increased from \$200 to \$500.

Subsection 2. The period within which proceedings may be taken under the Act is extended from 1 month to 6 months.

BILL 135

1961-62

An Act to amend The Master and Servant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Master and Servant Act* is amended by striking out "\$200" in the thirteenth line and inserting in lieu thereof "\$500", so that the subsection shall read as follows: R.S.O. 1960,
c. 230, s. 4,
subs. 1,
amended

- (1) Upon the complaint on oath of a servant or labourer against his master or employer concerning any non-payment of wages, a justice of the peace may summon the master or employer to appear before him at a reasonable time to be stated in the summons, and he or some other justice upon proof on oath of the personal service of the summons, or of its service as hereinafter authorized, shall examine into the matter of the complaint, whether or not the master or employer appears, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master or employer, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$500, and the justice shall make such order as to him seems just and reasonable for the payment of such wages, with costs, and in case of the non-payment of the same, together with the costs, for the space of eight days after the order has been made the justice shall issue his warrant of distress for the levying of the wages, together with the costs of the order and of the distress. Complaints
by servants
for non-
payment
of wages

(2) Subsection 3 of the said section 4 is amended by striking out "one month" in the first and second lines and in the third line and inserting in lieu thereof in each instance "six months", so that the subsection shall read as follows: R.S.O. 1960,
c. 230, s. 4,
subs. 3,
amended

Time
within
which pro-
ceedings
may be
taken

- (3) Proceedings may be taken under this Act within six months after the engagement or employment has ceased, or within six months after the last instalment of wages under the agreement of hiring has become due, whichever last happens.

R.S.O. 1960,
c. 230, s. 12,
subs. 2,
amended

2. Subsection 2 of section 12 of *The Master and Servant Act* is amended by striking out "foreman or to any other person whose wages are more than \$5 a day" in the second and third lines and inserting in lieu thereof "superintendent", so that the subsection shall read as follows :

Section
not to apply
to certain
persons

- (2) This section does not apply to any manager, officer or superintendent.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Master and Servant Amendment Act, 1961-62 (No. 2)*.

SECTION 2. Subsection 1 of section 12 of the Act provides that contracts waiving application of the Act are void.

Subsection 2 provides certain exceptions. These are amended as shown in section 2.

An Act to amend
The Master and Servant Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 135

3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62

An Act to amend The Master and Servant Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 135

1961-62

An Act to amend The Master and Servant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Master and Servant Act* is amended by striking out "\$200" in the thirteenth line and inserting in lieu thereof "\$500", so that the subsection shall read as follows: R.S.O. 1960,
c. 230, s. 4,
subs. 1,
amended

- (1) Upon the complaint on oath of a servant or labourer against his master or employer concerning any non-payment of wages, a justice of the peace may summon the master or employer to appear before him at a reasonable time to be stated in the summons, and he or some other justice upon proof on oath of the personal service of the summons, or of its service as hereinafter authorized, shall examine into the matter of the complaint, whether or not the master or employer appears, and upon due proof of the cause of complaint the justice may discharge the servant or labourer from the service or employment of the master or employer, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$500, and the justice shall make such order as to him seems just and reasonable for the payment of such wages, with costs, and in case of the non-payment of the same, together with the costs, for the space of eight days after the order has been made the justice shall issue his warrant of distress for the levying of the wages, together with the costs of the order and of the distress. Complaints
by servants
for non-
payment
of wages

(2) Subsection 3 of the said section 4 is amended by striking out "one month" in the first and second lines and in the third line and inserting in lieu thereof in each instance "six months", so that the subsection shall read as follows: R.S.O. 1960,
c. 230, s. 4,
subs. 3,
amended

Time
within
which pro-
ceedings
may be
taken

- (3) Proceedings may be taken under this Act within six months after the engagement or employment has ceased, or within six months after the last instalment of wages under the agreement of hiring has become due, whichever last happens.

R.S.O. 1960,
c. 230, s. 12,
subs. 2,
amended

- 2.** Subsection 2 of section 12 of *The Master and Servant Act* is amended by striking out "foreman or to any other person whose wages are more than \$5 a day" in the second and third lines and inserting in lieu thereof "superintendent", so that the subsection shall read as follows:

Section
not to apply
to certain
persons

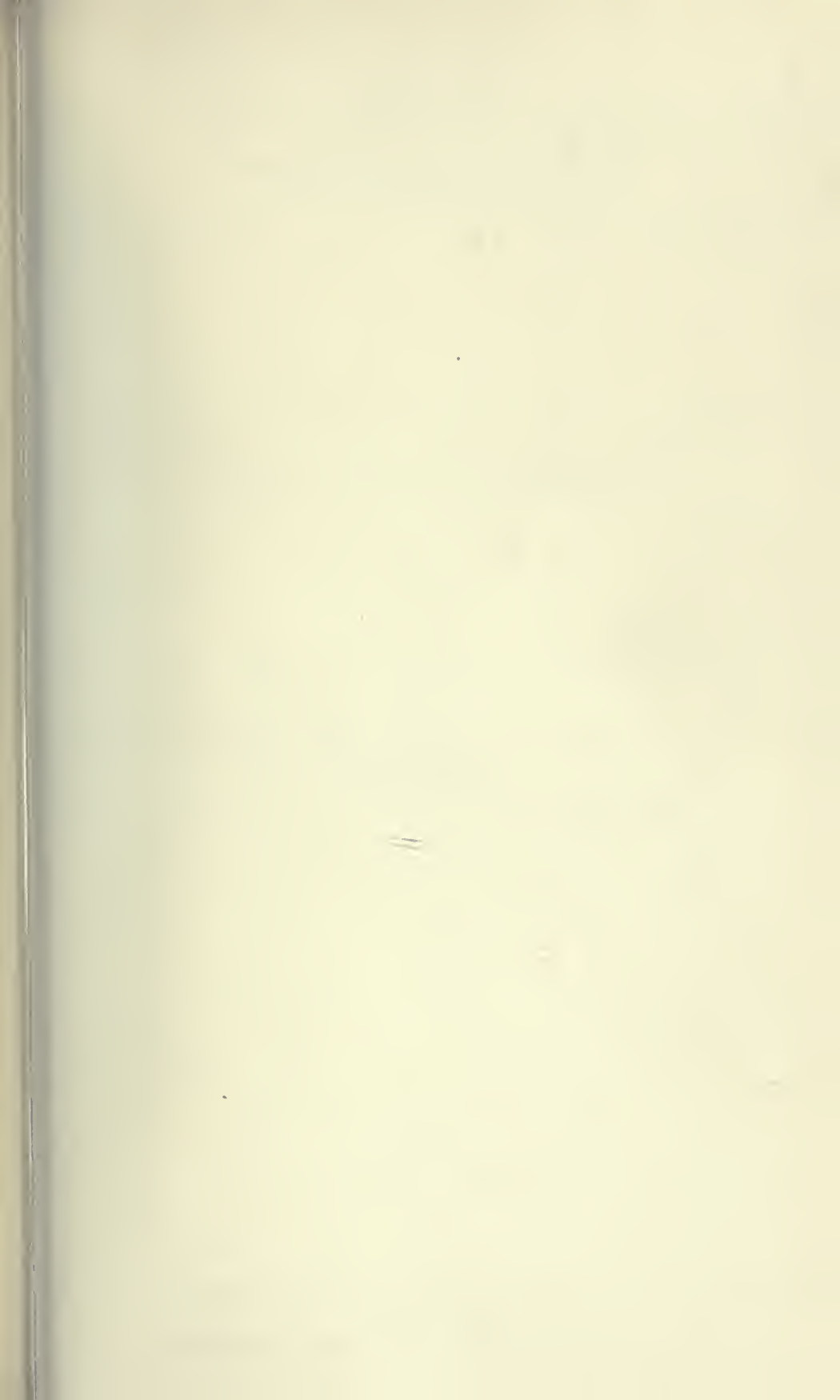
- (2) This section does not apply to any manager, officer or superintendent.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Master and Servant Amendment Act, 1961-62 (No. 2)*.





An Act to amend
The Master and Servant Act

1st Reading

March 29th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 136

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Infants Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

1011 E. 10th St., 1001-01
 1011 E. 10th St., 1001-01

EXPLANATORY NOTE

The purpose of this Bill is to clarify the intent by expressly stating that the surrogate court that has jurisdiction is the surrogate court of the county or district in which the infant resides at the time the proceedings are commenced.

BILL 136

1960-61

An Act to amend The Infants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Infants Act* is amended by striking out "Supreme Court or the surrogate court of the county or district in which the infant resides" in the first and second lines and inserting in lieu thereof "court", so that the subsection shall read as follows:

R.S.O. 1960,
c. 187, s. 1,
subs. 1,
amended

- (1) The court, upon the application of the father or the mother of an infant, who may apply without a next friend, may make such order as the court sees fit regarding the custody of the infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for such costs, or otherwise, as the court deems just.

Orders as
to custody
of and right
of access to
infant, at
the instance
of father
or mother

(2) The said section 1 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 187, s. 1,
amended

- (1a) In subsection 1, "court" means the Supreme Court or the surrogate court of the county or district in which the infant resides at the time the proceedings under that subsection are commenced.

Meaning of
"court"

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Infants Amendment Act*, Short title 1961-62.

An Act to amend The Infants Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 136

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Infants Act

MR. ROBERTS

BILL 136

1960-61

An Act to amend The Infants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Infants Act* is amended by striking out “Supreme Court or the surrogate court of the county or district in which the infant resides” in the first and second lines and inserting in lieu thereof “court”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 187, s. 1,
subs. 1,
amended

- (1) The court, upon the application of the father or the mother of an infant, who may apply without a next friend, may make such order as the court sees fit regarding the custody of the infant and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for such costs, or otherwise, as the court deems just.

Orders as
to custody
of and right
of access to
infant, at
the instance
of father
or mother

(2) The said section 1 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 187, s. 1,
amended

- (1a) In subsection 1, “court” means the Supreme Court or the surrogate court of the county or district in which the infant resides at the time the proceedings under that subsection are commenced.

Meaning of
“court”

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Infants Amendment Act*, Short title 1961-62.

An Act to amend The Infants Act

1st Reading

March 29th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 137

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Registry Act

MR. ROBERTS

BILL 137

1961-62

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 99, as amended by section 1 of Ontario Regulation 226/61, and section 100 of *The Registry Act* are repealed. R.S.O. 1960, c. 348, ss. 99, 100, repealed
2. Section 127 of *The Registry Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 127, amended
 - (ca) prescribing the fees that shall be paid to registrars.
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
4. This Act may be cited as *The Registry Amendment Act*, Short title 1961-62.

An Act to amend The Registry Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 137

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Registry Act

MR. ROBERTS

BILL 137

1961-62

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 99, as amended by section 1 of Ontario Regulation 226/61, and section 100 of *The Registry Act* are repealed. R.S.O. 1960,
c. 348,
ss. 99, 100,
repealed

2. Section 127 of *The Registry Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 127,
amended

(ca) prescribing the fees that shall be paid to registrars.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

4. This Act may be cited as *The Registry Amendment Act*, Short title 1961-62.

An Act to amend The Registry Act

1st Reading

March 29th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

Mr. ROBERTS

BILL 138

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to regulate the Prearrangement of Funeral Services

MR. ROBERTS

THE BOARD OF TRUSTEES OF THE
CITY OF CHICAGO

AN ACT TO REGULATE
THE FURNISHING OF FUNERAL SERVICES

EXPLANATORY NOTE

The Bill restricts to licensed insurers or licensed funeral directors persons who may sell prearranged funeral services.

1911

BILL 138

1961-62

An Act to regulate the Prearrangement of Funeral Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "funeral services" means the services of an embalmer or funeral director licensed under *The Embalmers and Funeral Directors Act* and the provision of any matter, thing or service for the purpose of a funeral, other than a cemetery plot.

Interpre-
tation
R.S.O. 1960,
c. 120

2. Unless he is an insurer licensed under *The Insurance Act*, or an embalmer or funeral director licensed under *The Embalmers and Funeral Directors Act*, no person shall agree or offer to agree, for a consideration that is fixed by the agreement, to furnish or make provision for funeral services upon the death of a person who is alive at the time the agreement or offer is made.

Agreements
for pre-
arranged
funeral
services
R.S.O. 1960,
cc. 190, 120

3. Every agreement entered into before this Act comes into force and which would contravene this Act if it were entered into after this Act comes into force is null and void and shall be deemed to be a contract to which *The Frustrated Contracts Act* applies.

When
existing
agreements
void
R.S.O. 1960,
c. 157

4. Every embalmer or funeral director who receives money under an agreement referred to in section 2 shall receive and hold the money in trust until the agreement has been fully performed by him.

Money in
trust

5.—(1) The Lieutenant Governor in Council may make regulations governing the manner in which trust accounts shall be kept and accounted for and providing for their inspection.

Regulations

(2) The Board of Administration appointed under *The Embalmers and Funeral Directors Act* shall cause the trust accounts to be inspected as required by the regulations, and

Inspection
and misuse
of trust
money

any misuse of trust funds by an embalmer or funeral director shall be deemed to be sufficient grounds for cancellation of his licence under *The Embalmers and Funeral Directors Act*.

R.S.O. 1960,
c. 120

Offence

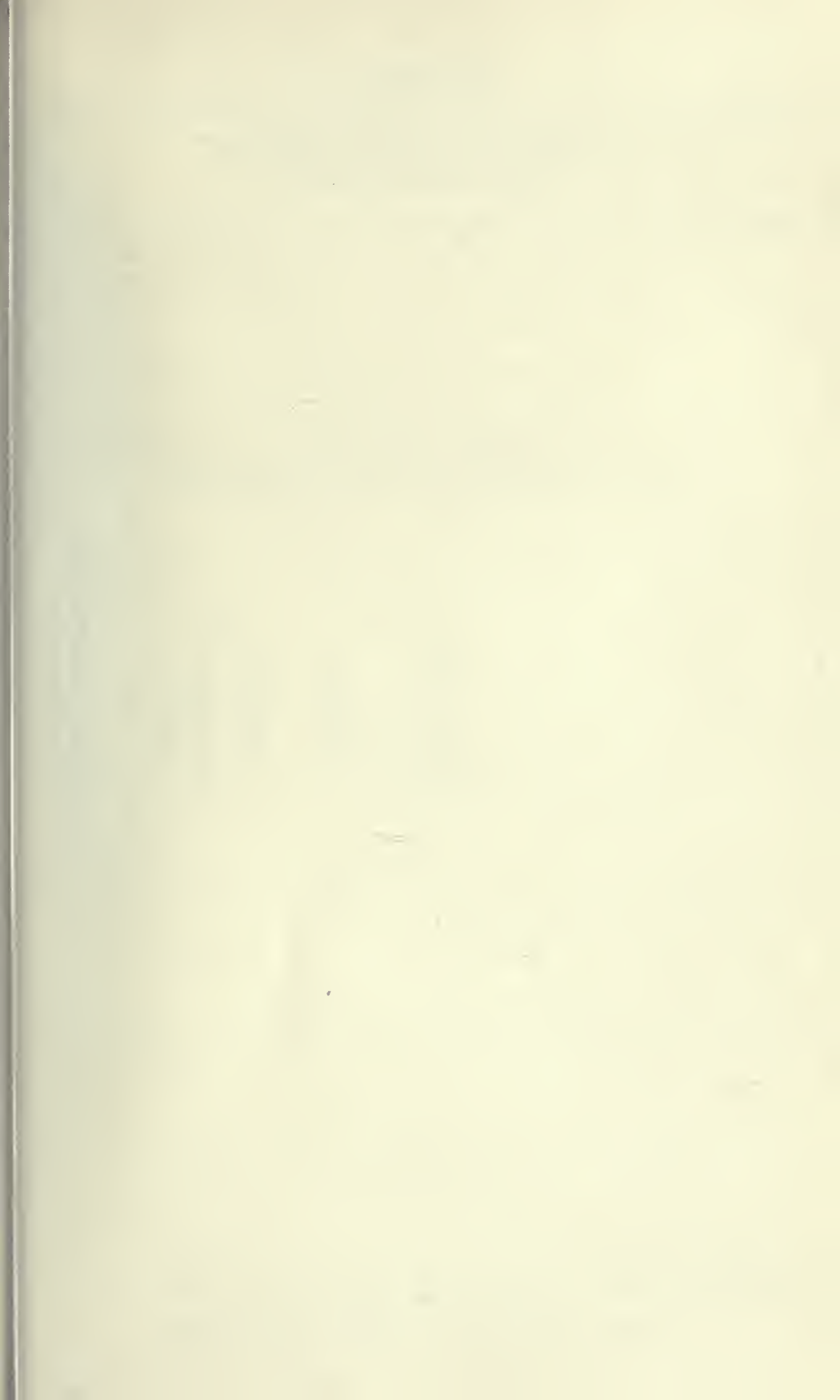
6. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$1,000, and, in default of payment, to imprisonment for not more than three months, and, if a corporation, to a fine of not more than \$2,000.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Prearranged Funeral Services Act, 1961-62*.



1. The first step is to identify the problem.

The Problem

with a view to the fact that

- 1. The first step is to identify the problem.
- 2. The second step is to analyze the problem.
- 3. The third step is to develop a plan.
- 4. The fourth step is to implement the plan.
- 5. The fifth step is to evaluate the results.

An Act to regulate the
Prearrangement of Funeral Services

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. ROBERTS

BILL 138

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to regulate the Prearrangement of Funeral Services

MR. ROBERTS

BILL 138

1961-62

An Act to regulate the Prearrangement of Funeral Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "funeral services" means the services of an embalmer or funeral director licensed under *The Embalmers and Funeral Directors Act* and the provision of any matter, thing or service for the purpose of a funeral, other than a cemetery plot.

Interpretation
R.S.O. 1960,
c. 120

2. Unless he is an insurer licensed under *The Insurance Act*, or an embalmer or funeral director licensed under *The Embalmers and Funeral Directors Act*, no person shall agree or offer to agree, for a consideration that is fixed by the agreement, to furnish or make provision for funeral services upon the death of a person who is alive at the time the agreement or offer is made.

Agreements
for pre-
arranged
funeral
services
R.S.O. 1960,
cc. 190, 120

3. Every agreement entered into before this Act comes into force and which would contravene this Act if it were entered into after this Act comes into force is null and void and shall be deemed to be a contract to which *The Frustrated Contracts Act* applies.

When
existing
agreements
void
R.S.O. 1960,
c. 157

4. Every embalmer or funeral director who receives money under an agreement referred to in section 2 shall receive and hold the money in trust until the agreement has been fully performed by him.

Money in
trust

5.—(1) The Lieutenant Governor in Council may make regulations governing the manner in which trust accounts shall be kept and accounted for and providing for their inspection.

Regulations

(2) The Board of Administration appointed under *The Embalmers and Funeral Directors Act* shall cause the trust accounts to be inspected as required by the regulations, and

Inspection
and misuse
of trust
money

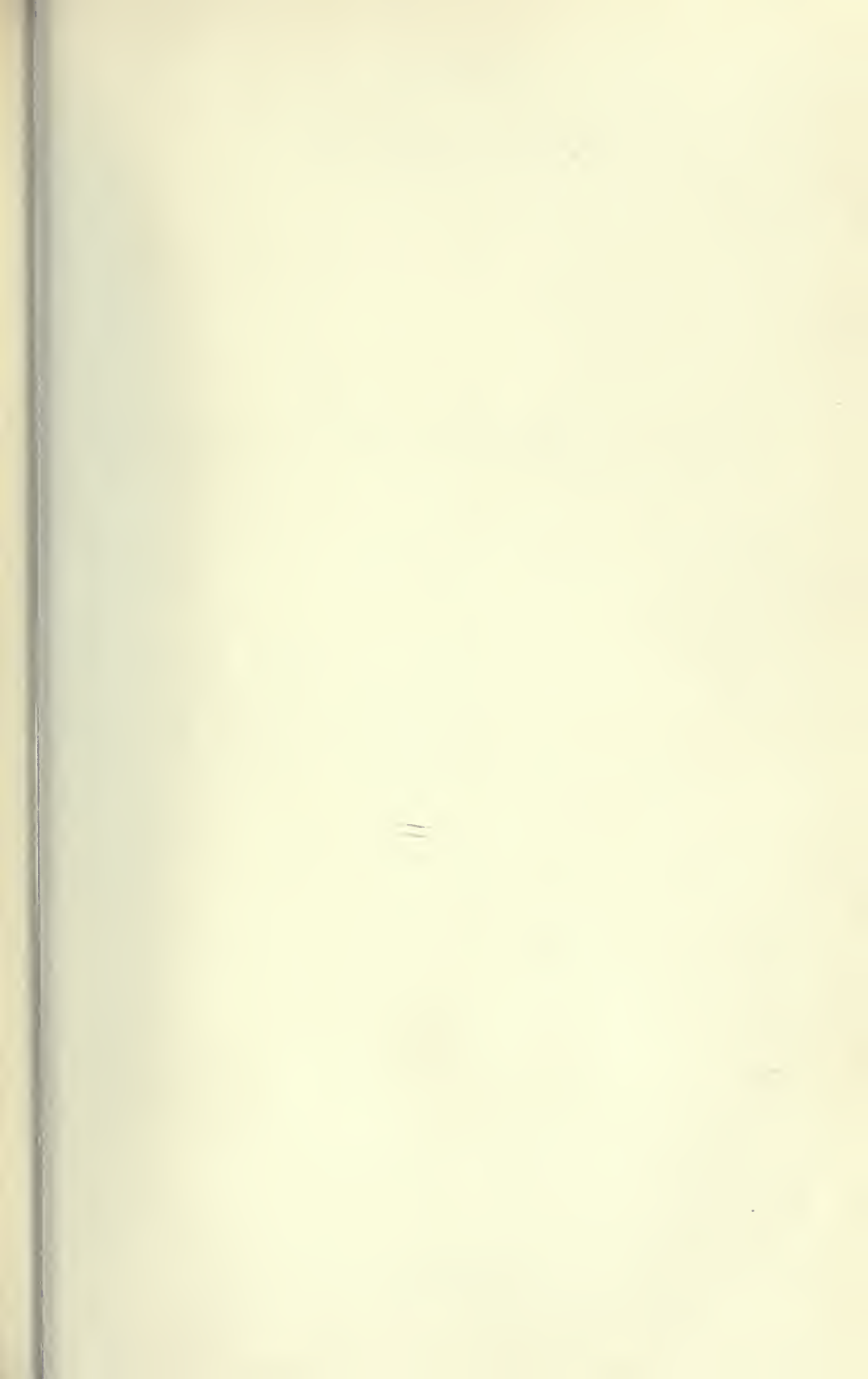
any misuse of trust funds by an embalmer or funeral director shall be deemed to be sufficient grounds for cancellation of his licence under *The Embalmers and Funeral Directors Act*.

R.S.O. 1960,
c. 120

Offence **6.** Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$1,000, and, in default of payment, to imprisonment for not more than three months, and, if a corporation, to a fine of not more than \$2,000.

**Commence-
ment** **7.** This Act comes into force on the day it receives Royal Assent.

Short title **8.** This Act may be cited as *The Prearranged Funeral Services Act, 1961-62*.



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11

An Act to regulate the
Prearraangement of Funeral Services

1st Reading

March 29th, 1962

2nd Reading

April 6th, 1962

3rd Reading

April 17th, 1962

MR. ROBERTS

BILL 139

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Municipality of Metropolitan Toronto Act

MR. CASS

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE MUNICIPALITY OF METROPOLITAN TORONTO
 1970-1971

THE MUNICIPALITY OF METROPOLITAN TORONTO
 1970-1971

EXPLANATORY NOTES

SECTION 1. The definitions of "area municipality" and "Metropolitan Area" are amended to take care of any changes that may be made by reason of the change of status of any area municipality or by the union of two or more area municipalities.

1113

BILL 139

1961-62

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “or” in the eighth line and by adding at the end thereof “a successor of any of them or a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows: R.S.O. 1960,
c. 260, s. 1,
cl. a,
amended

(a) “area municipality” means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, a successor of any of them or a municipality that comes into being by the union of two or more such municipalities.

(2) Clause *i* of the said section 1 is amended by striking out “and” in the eighth line and by adding at the end thereof “the successor of any of them and a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows: R.S.O. 1960,
c. 260, s. 1,
cl. i,
amended

(i) “Metropolitan Area” means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, the successor of any of them and a municipality that comes into being by the union of two or more such municipalities.

R.S.O. 1960,
c. 260, s. 4,
subs. 2,
amended

2.—(1) Subsection 2 of section 4 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

Day for
polling

(2) Subject to subsection 2a, the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

R.S.O. 1960,
c. 260, s. 4,
amended

(2) The said section 4 is amended by adding thereto the following subsection:

Time for
polling

(2a) The Metropolitan Council may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the polls so that they will remain open for not less than eight consecutive hours between 8 o'clock in the morning and 9 o'clock in the evening, and any such by-law remains in force from year to year until repealed.

R.S.O. 1960,
c. 260, s. 5,
amended

3.—(1) Section 5 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections:

Right of
area mun-
icipalities
to appoint
additional
members
after union
of mun-
icipalities,
etc.

(1a) Where by reason of the union of two or more area municipalities, or for any other reason, the number of the members of the Metropolitan Council is reduced, the Metropolitan Council may grant to one or more area municipalities the right to appoint one or more additional members, equal in number to the reduction that has occurred, as members of the Metropolitan Council, and, failing such grant by the Metropolitan Council within one month from the time the reduction has occurred, the Lieutenant Governor in Council may grant such right, provided always that the number of members of the Metropolitan Council from the City of Toronto shall be equal to the number of members from the other area municipalities.

First
appoint-
ment of
members

(1b) Where an area municipality has been granted the right to appoint an additional member or members, the council of the area municipality, within fifteen days after being notified of such right, shall appoint one or more of its members to fill the vacancies created by the grant of such right.

Subsequent
appoint-
ments

(1c) After the first appointment of a member or members under subsection 1b, the additional member or members shall thereafter be appointed by the council of the area municipality at its first meeting after the election of the council in any year.

SECTION 2. At present, the hours of polling are from 10 o'clock in the morning until 8 o'clock in the evening. The amendments authorize the Metropolitan Council to change the hours in accordance with the new subsection 2a.

SECTION 3—Subsection 1. The amendment provides for the composition of the Metropolitan Council where the number of members is reduced by reason of a reduction in the number of wards in the City of Toronto or the union of two or more area municipalities.

Subsections 2 and 3. At present, the chairman of the Metropolitan Council is elected for one year. The amendments provide for a term of two years which will coincide with the term of members of the council.

SECTION 4—Subsection 1. The amendment makes the provisions of *The Municipal Act* with respect to group life and accident insurance for employees and group accident insurance for members of council applicable to the Metropolitan Corporation.

Subsection 2. Section 198*b* of *The Municipal Act*, which provides that the provisions respecting disclosure of interest do not apply to the election or appointment of members of council to fill vacancies on council or a local board, is made applicable to the Metropolitan Council.

- (1d) The members of the Metropolitan Council appointed under subsection 1b or 1c shall hold office while they are members of the council of the area municipality that appointed them and until their successors are appointed. Term of office
- (2) Subsection 4 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 4, re-enacted
- (4) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Election of chairman
- (3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 6, re-enacted
- (6) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Adjournment
- 4.—(1) Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 1 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by striking out "and 275 to 280" in the second line and inserting in lieu thereof "275 to 280, paragraph 61 of section 377 and section 406a", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 1, amended
- (1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, paragraph 61 of section 377 and section 406a of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249
- (2) Subsection 2 of the said section 17, as enacted by subsection 2 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is amended by striking out "and 198a" in the first line and inserting in lieu thereof "198a and 198b", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 2, (1960-61, c. 61, s. 1, subs. 2), amended

Idem
R.S.O. 1960,
c. 249

- (2) Sections 190, 198*a* and 198*b* of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

R.S.O. 1960,
c. 260, s. 24,
subs. 3,
amended

- 5.—(1) Subsection 3 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "thereof" in the third line "a local board of the Metropolitan Corporation", so that the subsection shall read as follows:

Pensions

- (3) Where the Metropolitan Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, a local board of the Metropolitan Corporation, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein or the local board of the Metropolitan Corporation has entered into an agreement under clause *d* of subsection 2.

R.S.O. 1960,
c. 260, s. 24,
subs. 6,
amended

- (2) Subsection 6 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows:

Sick leave credits

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick

SECTION 5. The amendments provide for the full vesting of benefits of employees when the Metropolitan Corporation employs persons theretofore employed by a local board of the Metropolitan Corporation.

SECTION 6. The provision of subsection 3 of section 53 of *The Assessment Act* with respect to the addition to the collector's roll of rates for commercial property is not appropriate to Metropolitan Toronto. A new provision is, therefore, added to section 35 to provide for such additions to the collectors' rolls of the area municipalities.

SECTION 7. Under *The Assessment Act*, school boards are given authority to appeal assessments. The new subsection extends this to The Metropolitan School Board and an agent thereof.

leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

(3) Subsection 7 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 24,
subs. 7, amended

(7) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Holidays

6. Section 35 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 35,
amended

(3) Where the amount of a business assessment is entered in the collector's roll of an area municipality under clause *c* of subsection 1 of section 53 of *The Assessment Act*, the real property with respect to which such business assessment is computed is, for the number of months remaining in the current year after the month in which the notice provided for in subsection 4 of the said section 53 is delivered or sent, liable to taxation at the rate levied under clause *a* of subsection 4 of section 231, and the clerk of the municipality shall amend the collector's roll accordingly, and, where taxes are levied under the authority of this subsection, they shall be deemed to be taxes levied under section 53 of *The Assessment Act*. Rates for commercial property added to roll
R.S.O. 1960,
c. 23

7. Section 37 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 37,
amended

(2) For the purposes of sections 27, 72, 75 and 83 of *The Assessment Act*, "school board" includes The Metropolitan School Board and an agent thereof. Assessment appeals by Metropolitan School Board
R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 260,
amended

8. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Signal-light
traffic
control
systems

87a.—(1) Subject to *The Highway Traffic Act*, the Metropolitan Corporation may,

- (a) install signal-light traffic control systems on any highway in the Metropolitan Area;
- (b) operate all signal-light traffic control systems heretofore or hereafter installed in the Metropolitan Area;
- (c) control its signal-light traffic control systems by electronic computers; and
- (d) regulate traffic on highways in the Metropolitan Area within 100 feet of any signal-light traffic control system and for such purpose the Metropolitan Corporation is deemed to be a municipality under section 108 of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Conflict
with area
by-laws

- (2) When a by-law passed under subsection 1 regulating traffic on any part of a highway in the Metropolitan Area is in force, any by-law passed by an area municipality that conflicts therewith has no effect to the extent of such conflict.

Area muni-
cipalities
not to
operate
signal
systems

- (3) No area municipality may, after the day this section comes into force, install or operate signal-light traffic control systems in the Metropolitan Area.

Signal-lights
vested in
Metro-
politan
Corporation

- (4) All signal-light traffic control systems installed on highways in the Metropolitan Area are vested in the Metropolitan Corporation, and no compensation therefor shall be paid by the Metropolitan Corporation to any area municipality.

R.S.O. 1960,
c. 260, s. 116,
subs. 1, cl. c,
amended

9. Clause *c* of subsection 1 of section 116 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to section 116a", so that the clause shall read as follows:

- (c) Subject to section 116a, to fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

SECTION 8. The new section 87a vests all signal-light traffic control systems in the Metropolitan Area in the Metropolitan Corporation and authorizes the Corporation to install and operate signal-light systems on any highway in the Metropolitan Area. The Metropolitan Corporation is also authorized to regulate traffic, except speed limits, within 100 feet of such signal lights.

SECTION 9. Complementary to section 10.

SECTION 10. The Metropolitan Corporation is authorized to contribute towards the capital costs of the Toronto Transit Commission.

SECTION 11. The amendment provides for the payment of maintenance assistance payments with respect to pupils admitted to a public school for the fall term whose parents are separate school supporters who have taken the required steps to become public school supporters.

SECTION 12. The amendment changes the name under which the Crown attorney is appointed in accordance with an amendment to *The Crown Attorneys Act*. See Bill 16.

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

116a. Subject to the approval of the Municipal Board, the Metropolitan Corporation may contribute to the capital costs of the Commission. Metro-
politan
Corporation
contribu-
tions to
capital costs

11. Section 135 of *The Municipality of Metropolitan Toronto Act*, as amended by section 4 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 135,
amended

(7) Where a board of education within the Metropolitan Area admits, to a public school for the fall term, a pupil whose parent or guardian is a separate school supporter who has, on or before the 14th day of October, taken the steps necessary to become a public school supporter in the following year, the school board shall make a maintenance assistance payment on behalf of the child as if he were a resident pupil as defined in clause *a* of subsection 1. Pupils of
separate
school
supporters

12. Section 177 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "the City of Toronto" in the fourteenth line and inserting in lieu thereof "Metropolitan Toronto", so that the section shall read as follows: R.S.O. 1960,
c. 260, s. 177,
amended

177. The Metropolitan Council has the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for Metropolitan Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172 of *The Municipality of Metropolitan Toronto Act, 1953*. Metro-
politan
Council to
provide
accommoda-
tion, etc. 1953, c. 73

R.S.O. 1960,
c. 260, s. 226,
amended

13. Section 226 of *The Municipality of Metropolitan Toronto Act*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Bus system
on Toronto
Islands

(8) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may,

(a) maintain and operate buses for the conveyance of passengers;

(b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and

(c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system.

R.S.O. 1960,
c. 260, s. 236,
subs. 4
(1960-61,
c. 61, s. 12),
re-enacted

14. Subsection 4 of section 236 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

R.S.O. 1960,
c. 260, s. 238,
subs. 38,
re-enacted

15.—(1) Subsection 38 of section 238 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented

SECTION 13. Self-explanatory.

SECTION 14. At present, the Board may direct only the special form of notice in respect of a particular application. The amendment would authorize the Board to make a rule having general application.

SECTION 15—Subsection 1. Subsection 38 is revised to give The Metropolitan School Board and a board of education in the Metropolitan Area the right to apply to the Municipal Board for a reduction in the amount of money to be raised for a sinking fund.

Subsection 2. Self-explanatory.

by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Metropolitan Council, the council of an area municipality, The Metropolitan School Board or a board of education in the Metropolitan Area may authorize the Metropolitan Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(2) Subsection 40 of the said section 238 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 238,
subs. 40,
re-enacted]

(40) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:

(i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,

(ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan School Board for public schools, The Metropolitan School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan

waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

R.S.O. 1960,
c. 260,
amended

16. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Use of
proceeds of
sale of
asset
acquired
from
proceeds
of sale of
debentures

249a. Where real or personal property acquired out of moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 249 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

R.S.O. 1960,
c. 260, s. 255,
subs. 3,
amended

17.—(1) Subsection 3 of section 255 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "section" in the second line and inserting in lieu thereof "sections 11 and", so that the subsection shall read as follows:

Annexations
and amal-
gamations
R.S.O. 1960,
c. 249

(3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, sections 11 and 14 of *The Municipal Act*.

R.S.O. 1960,
c. 260, s. 255,
amended

(2) The said section 255 is amended by adding thereto the following subsection:

Powers of
Metro-
politan
Council re
emergency
measures

(8a) When a by-law passed under clause *a* of subsection 8 is in force, the Metropolitan Council may pass by-laws,

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of the Metropolitan Toronto Emergency Measures Organization or any committee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the Metropolitan Toronto Emergency Measures Organization;

(c) for appointing members of the Metropolitan Toronto Emergency Measures Organization,

SECTION 16. The amendment provides that the proceeds of the sale of property that has been acquired from the proceeds of the sale of debentures shall be used to redeem debentures or reduce the annual levy, etc., in accordance with subsection 3 of section 249 of the Act.

SECTION 17—Subsection 1. The amendment is complementary to section 1 of this Bill.

Subsection 2. Self-explanatory.

SECTION 18. The amendment is to make it clear that an area municipality may erect a municipal building where a large percentage of the space in the building will be used by the Metropolitan Corporation.

SECTION 19. Self-explanatory.

or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area as the by-law may provide when an emergency has been proclaimed under the *War Measures Act* (Canada) ^{R.S.C. 1952, c. 288} or by a Minister designated by the Lieutenant Governor in Council;

- (d) for acquiring alternative headquarters for the metropolitan government outside the Metropolitan Area;
- (e) for designating evacuation routes and empowering members of the Metropolitan Police Force to require persons to use such routes;
- (f) for obtaining and distributing emergency materials, equipment and supplies; and
- (g) for complying with any request of the Government of Canada or Ontario in the event of a nuclear attack.

18. Subsection 1 of section 271 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after ^{R.S.O. 1960, c. 260, s. 271, subs. 1, amended} "Corporation" in the first line "or an area municipality", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) The Metropolitan Corporation or an area municipality, or the Metropolitan Corporation and one or more area municipalities, ^{Municipal buildings}

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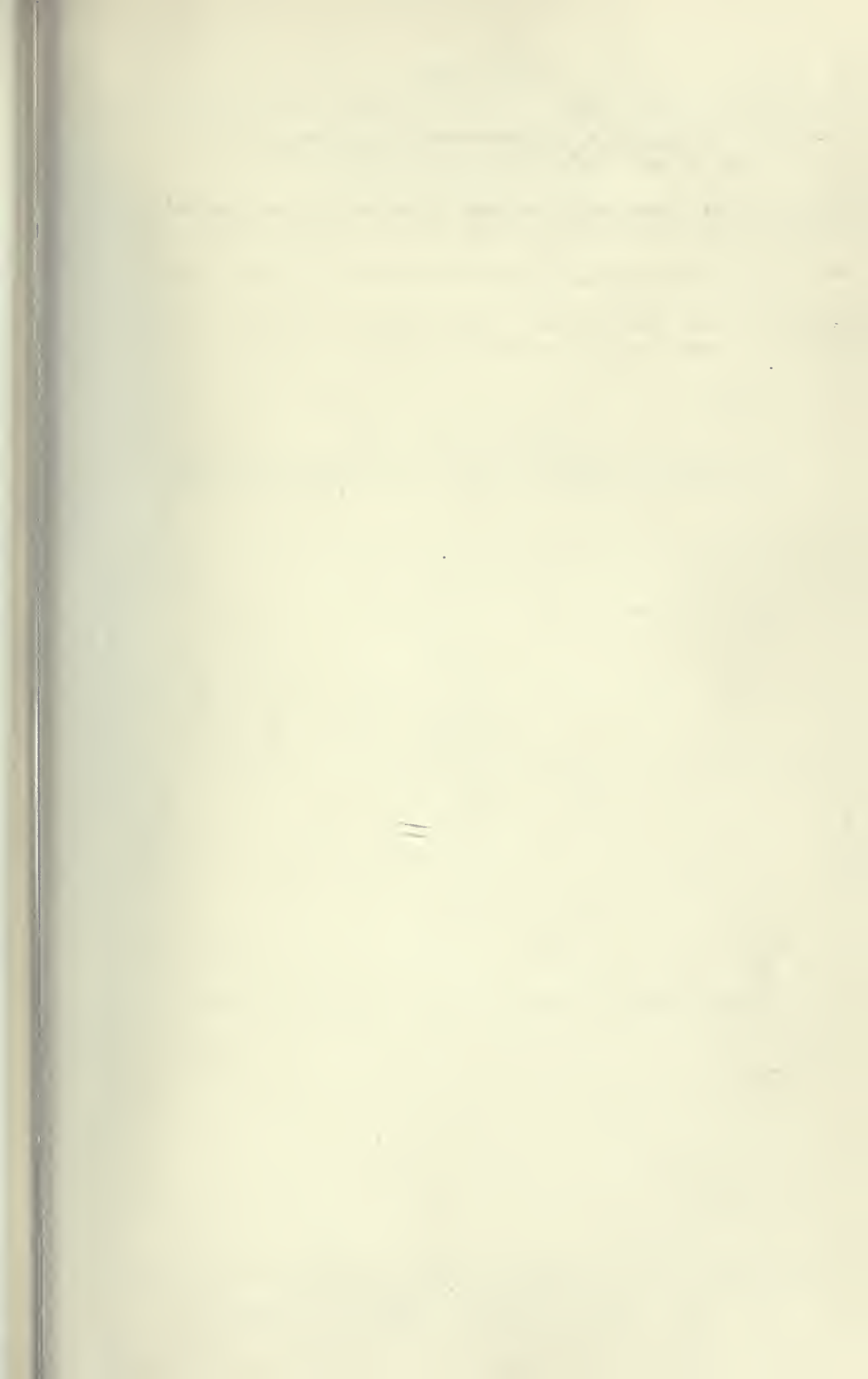
19.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council, may from time to time purchase debentures of The Municipality of Metropolitan Toronto the issue of which is authorized by clause *b* of section 1 of an order of the Ontario Municipal Board, dated the 6th day of June, 1961, on file P.F.E. 287-58, in any amounts not exceeding in the aggregate \$60,000,000. ^{Treasurer authorized to purchase subway debentures}

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. ^{Moneys}

20.—(1) This Act, except subsection 2 of section 4 and sections 6, 8, 13 and 18, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1960. ^{Idem}

- Idem** (3) Section 18 shall be deemed to have come into force on the 1st day of July, 1961.
- Idem** (4) Subsection 2 of section 4 and section 13 shall be deemed to have come into force on the 1st day of January, 1962.
- Idem** (5) Section 8 comes into force on the 1st day of July, 1962.
- Short title** **21.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1961-62.*



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An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

March 29th, 1962

2nd Reading

3rd Reading

MR. CASS

BILL 139

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

**An Act to amend
The Municipality of Metropolitan Toronto Act**

MR. CASS

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The definitions of "area municipality" and "Metropolitan Area" are amended to take care of any changes that may be made by reason of the change of status of any area municipality or by the union of two or more area municipalities.

BILL 139

1961-62

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “or” in the eighth line and by adding at the end thereof “a successor of any of them or a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows: R.S.O. 1960,
c. 260, s. 1,
cl. a,
amended

(a) “area municipality” means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, a successor of any of them or a municipality that comes into being by the union of two or more such municipalities.

(2) Clause *i* of the said section 1 is amended by striking out “and” in the eighth line and by adding at the end thereof “the successor of any of them and a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows: R.S.O. 1960,
c. 260, s. 1,
cl. i,
amended

(i) “Metropolitan Area” means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, the successor of any of them and a municipality that comes into being by the union of two or more such municipalities.

R.S.O. 1960,
c. 260, s. 4,
subs. 2,
amended

2.—(1) Subsection 2 of section 4 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

Day for
polling

(2) Subject to subsection 2a, the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

R.S.O. 1960,
c. 260, s. 4,
amended

(2) The said section 4 is amended by adding thereto the following subsection:

Time for
polling

(2a) The Metropolitan Council may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the polls so that they will remain open for not less than eight consecutive hours between 8 o'clock in the morning and 9 o'clock in the evening, and any such by-law remains in force from year to year until repealed.

R.S.O. 1960,
c. 260, s. 5,
amended

3.—(1) Section 5 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections:

Right of
area muni-
cipalities
to appoint
additional
members
after union
of muni-
cipalities,
etc.

(1a) Where by reason of the union of two or more area municipalities, or for any other reason, the number of the members of the Metropolitan Council is reduced, the Metropolitan Council may grant to one or more area municipalities the right to appoint one or more additional members, equal in number to the reduction that has occurred, as members of the Metropolitan Council, and, failing such grant by the Metropolitan Council within one month from the time the reduction has occurred, the Lieutenant Governor in Council may grant such right, provided always that the number of members of the Metropolitan Council from the City of Toronto shall be equal to the number of members from the other area municipalities.

First
appoint-
ment of
members

(1b) Where an area municipality has been granted the right to appoint an additional member or members, the council of the area municipality, within fifteen days after being notified of such right, shall appoint one or more of its members to fill the vacancies created by the grant of such right.

Subsequent
appoint-
ments

(1c) After the first appointment of a member or members under subsection 1b, the additional member or members shall thereafter be appointed by the council of the area municipality at its first meeting after the election of the council in any year.

SECTION 2. At present, the hours of polling are from 10 o'clock in the morning until 8 o'clock in the evening. The amendments authorize the Metropolitan Council to change the hours in accordance with the new subsection 2a.

SECTION 3—Subsection 1. The amendment provides for the composition of the Metropolitan Council where the number of members is reduced by reason of a reduction in the number of wards in the City of Toronto or the union of two or more area municipalities.

Subsections 2 and 3. At present, the chairman of the Metropolitan Council is elected for one year. The amendments provide for a term of two years which will coincide with the term of members of the council.

SECTION 4—Subsection 1. The amendment makes the provisions of *The Municipal Act* with respect to group life and accident insurance for employees and group accident insurance for members of council applicable to the Metropolitan Corporation.

Subsection 2. Section 198b of *The Municipal Act*, which provides that the provisions respecting disclosure of interest do not apply to the election or appointment of members of council to fill vacancies on council or a local board, is made applicable to the Metropolitan Council.

- (1d) The members of the Metropolitan Council appointed under subsection 1b or 1c shall hold office while they are members of the council of the area municipality that appointed them and until their successors are appointed. Term of office
- (2) Subsection 4 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 4, re-enacted
- (4) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Election of chairman
- (3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 6, re-enacted
- (6) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Adjournment
- 4.—(1) Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 1 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by striking out "and 275 to 280" in the second line and inserting in lieu thereof "275 to 280, paragraph 61 of section 377 and section 406a", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 1, amended
- (1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, paragraph 61 of section 377 and section 406a of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249
- (2) Subsection 2 of the said section 17, as enacted by subsection 2 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is amended by striking out "and 198a" in the first line and inserting in lieu thereof "198a and 198b", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 2 (1960-61, c. 61, s. 1, subs. 2), amended

Idem
R.S.O. 1960,
c. 249

(2) Sections 190, 198a and 198b of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

R.S.O. 1960,
c. 260, s. 24,
subs. 3,
amended

5.—(1) Subsection 3 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "thereof" in the third line "a local board of the Metropolitan Corporation", so that the subsection shall read as follows:

Pensions

(3) Where the Metropolitan Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, a local board of the Metropolitan Corporation, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein or the local board of the Metropolitan Corporation has entered into an agreement under clause *d* of subsection 2.

R.S.O. 1960,
c. 260, s. 24,
subs. 5,
amended

(2) Subsection 5 of the said section 24 is amended by striking out "thereof" in the seventh line and in the thirteenth line, so that the subsection shall read as follows:

Accrued
benefits
under
former plan

(5) Upon such election or upon such an agreement being entered into and such an employee becoming a member of the pension plan established by the Metropolitan Corporation, he or his beneficiaries are entitled on termination of his services with the Metropolitan Corporation or a local board thereof to all benefits under the pension plan of the area municipality, or of a local board, or of the County of York or of the Toronto and York Roads Commission accrued up to the date of his becoming a member of the Metropolitan Corporation pension plan, and his employment by and service with the Metropolitan Corporation or a local board thereof

SECTION 5. The amendments provide for the full vesting of benefits of employees when the Metropolitan Corporation employs persons theretofore employed by a local board of the Metropolitan Corporation.

(1) Subject to the following provisions, the Corporation may, by resolution of the Council, make such regulations as it may think fit for the purpose of carrying out the provisions of this Act.


(2) The Corporation may, by resolution of the Council, make such regulations as it may think fit for the purpose of carrying out the provisions of this Act.

(3) The Corporation may, by resolution of the Council, make such regulations as it may think fit for the purpose of carrying out the provisions of this Act.

(4) The Corporation may, by resolution of the Council, make such regulations as it may think fit for the purpose of carrying out the provisions of this Act.

(5) The Corporation may, by resolution of the Council, make such regulations as it may think fit for the purpose of carrying out the provisions of this Act.

SECTION 6. The provision of subsection 3 of section 53 of *The Assessment Act* with respect to the addition to the collector's roll of rates for commercial property is not appropriate to Metropolitan Toronto. A new provision is, therefore, added to section 35 to provide for such additions to the collectors' rolls of the area municipalities.

shall be deemed to be employment by and service with the respective area municipality, or local board, or the County of York or the Toronto and York Roads Commission for the purpose of determining eligibility for any such accrued benefits. 

(3) Subsection 6 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 24,
subs. 6,
amended

(6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Sick leave
credits

(4) Subsection 7 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 24,
subs. 7,
amended

(7) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Holidays

6. Section 35 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 35,
amended

Rates for
commercial
property
added to
roll
R.S.O. 1960,
c. 23

- (3) Where the amount of a business assessment is entered in the collector's roll of an area municipality under clause *c* of subsection 1 of section 53 of *The Assessment Act*, the real property with respect to which such business assessment is computed is, for the number of months remaining in the current year after the month in which the notice provided for in subsection 4 of the said section 53 is delivered or sent, liable to taxation at the rate levied under clause *a* of subsection 4 of section 231, and the clerk of the municipality shall amend the collector's roll accordingly, and, where taxes are levied under the authority of this subsection, they shall be deemed to be taxes levied under section 53 of *The Assessment Act*.

R.S.O. 1960,
c. 260, s. 37,
amended

7. Section 37 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Assessment
appeals by
Metro-
politan
School
Board
R.S.O. 1960,
c. 23

- (2) For the purposes of sections 27, 72, 75 and 83 of *The Assessment Act*, "school board" includes The Metropolitan School Board and an agent thereof.

R.S.O. 1960,
c. 260,
amended

8. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Signal-light
traffic
control
systems

87a.—(1) Subject to *The Highway Traffic Act*, the Metropolitan Corporation may,

- (a) install signal-light traffic control systems on any highway in the Metropolitan Area;
- (b) operate all signal-light traffic control systems heretofore or hereafter installed in the Metropolitan Area;
- (c) control its signal-light traffic control systems by electronic computers; and
- (d) regulate traffic on highways in the Metropolitan Area within 100 feet of any signal-light traffic control system and for such purpose the Metropolitan Corporation is deemed to be a municipality under section 108 of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Conflict
with area
by-laws

- (2) When a by-law passed under subsection 1 regulating traffic on any part of a highway in the Metropolitan Area is in force, any by-law passed by an area municipality that conflicts therewith has no effect to the extent of such conflict.

SECTION 7. Under *The Assessment Act*, school boards are given authority to appeal assessments. The new subsection extends this to The Metropolitan School Board and an agent thereof.

SECTION 8. The new section 87*a* vests all signal-light traffic control systems in the Metropolitan Area in the Metropolitan Corporation and authorizes the Corporation to install and operate signal-light systems on any highway in the Metropolitan Area. The Metropolitan Corporation is also authorized to regulate traffic, except speed limits, within 100 feet of such signal lights.

SECTION 9. Complementary to section 10.

SECTION 10. The Metropolitan Corporation is authorized to contribute towards the capital costs of the Toronto Transit Commission.

SECTION 11. The amendment provides for the payment of maintenance assistance payments with respect to pupils admitted to a public school for the fall term whose parents are separate school supporters who have taken the required steps to become public school supporters.

SECTION 12. The amendment changes the name under which the Crown attorney is appointed in accordance with an amendment to *The Crown Attorneys Act*. See Bill 16.

- (3) No area municipality may, after the day this section comes into force, install or operate signal-light traffic control systems in the Metropolitan Area. Area municipalities not to operate signal systems
- (4) All signal-light traffic control systems installed on highways in the Metropolitan Area are vested in the Metropolitan Corporation, and no compensation therefor shall be paid by the Metropolitan Corporation to any area municipality. Signal-lights vested in Metropolitan Corporation

9. Clause *c* of subsection 1 of section 116 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to section 116a", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 116, subs. 1, cl. c. amended

- (c) Subject to section 116a, to fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960 c. 260, amended

- 116a. Subject to the approval of the Municipal Board, the Metropolitan Corporation may contribute to the capital costs of the Commission. Metropolitan Corporation contributions to capital costs

11. Section 135 of *The Municipality of Metropolitan Toronto Act*, as amended by section 4 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 135, amended

- (7) Where a board of education within the Metropolitan Area admits, to a public school for the fall term, a pupil whose parent or guardian is a separate school supporter who has, on or before the 14th day of October, taken the steps necessary to become a public school supporter in the following year, the school board shall make a maintenance assistance payment on behalf of the child as if he were a resident pupil as defined in clause *a* of subsection 1. Pupils of separate school supporters

12. Section 177 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "the City of Toronto" in the fourteenth line and inserting in lieu thereof "Metropolitan Toronto", so that the section shall read as follows: R.S.O. 1960, c. 260, s. 177, amended

Metro-
politan
Council to
provide
accommoda-
tion, etc.

177. The Metropolitan Council has the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for Metropolitan Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172 of *The Municipality of Metropolitan Toronto Act, 1953*.

1953, c. 73

R.S.O. 1960,
c. 260, s. 226,
amended

13. Section 226 of *The Municipality of Metropolitan Toronto Act*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Bus system
on Toronto
Islands

- (8) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may,

- (a) maintain and operate buses for the conveyance of passengers;
- (b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and
- (c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system.

R.S.O. 1960,
c. 260, s. 236,
subs. 4
(1960-61,
c. 61, s. 12),
re-enacted

14. Subsection 4 of section 236 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is repealed and the following substituted therefor:

SECTION 13. Self-explanatory.

SECTION 14. At present, the Board may direct only the special form of notice in respect of a particular application. The amendment would authorize the Board to make a rule having general application.

SECTION 15—Subsection 1. Subsection 38 is revised to give The Metropolitan School Board and a board of education in the Metropolitan Area the right to apply to the Municipal Board for a reduction in the amount of money to be raised for a sinking fund.

Subsection 2. Self-explanatory.

- (4) The Municipal Board may direct that an applicant ^{Idem} give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

15.—(1) Subsection 38 of section 238 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 238,
subs. 38,
re-enacted

- (38) Notwithstanding this or any other Act or by-law, ^{Where} if it appears at any time that the amount at the ^{amount in} credit of any sinking fund account ^{sinking fund} will be more than ^{account} sufficient, with the estimated earnings to be credited ^{more than} thereto under subsection 34 together with the levy ^{sufficient} required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Metropolitan Council, the council of an area municipality, The Metropolitan School Board or a board of education in the Metropolitan Area may authorize the Metropolitan Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(2) Subsection 40 of the said section 238 is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 238,
subs. 40,
re-enacted

- (40) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:
 - (i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,

- (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan School Board for public schools, The Metropolitan School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

R.S.O. 1960,
c. 260,
amended

16. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Use of
proceeds of
sale of
asset
acquired
from
proceeds
of sale of
debentures

249a. Where real or personal property acquired out of moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 249 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

R.S.O. 1960,
c. 260, s. 255,
subs. 1,
amended

17.—(1) Subsection 1 of section 255 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "and paragraphs 3, 21 and 22" in the second line and inserting in lieu thereof "section 248*b* and paragraphs 3 and 22", so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 249

(1) Section 5, Parts XV, XVI, XVII and XXI, section 248*b* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

SECTION 16. The amendment provides that the proceeds of the sale of property that has been acquired from the proceeds of the sale of debentures shall be used to redeem debentures or reduce the annual levy, etc., in accordance with subsection 3 of section 249 of the Act.

SECTION 17—Subsection 1. The reference to the provision in *The Municipal Act* respecting destruction of records is corrected in accordance with the amendments to *The Municipal Act* in Bill 126.

Subsection 2. The amendment is complementary to section 1 of this Bill.

Subsection 3. Self-explanatory.

(2) Subsection 3 of the said section 255 is amended by striking out "section" in the second line and inserting in lieu thereof "sections 11 and", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 255,
subs. 3,
amended

(3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, sections 11 and 14 of *The Municipal Act*. Annexations
and amal-
gamations
R.S.O. 1960,
c. 249

(3) The said section 255 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 255,
amended

(8a) When a by-law passed under clause *a* of subsection 8 is in force, the Metropolitan Council may pass by-laws, Powers of
Metro-
politan
Council re
emergency
measures

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of the Metropolitan Toronto Emergency Measures Organization or any committee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the Metropolitan Toronto Emergency Measures Organization;

(c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area as the by-law may provide when an emergency has been proclaimed under the *War Measures Act* (Canada) or by a Minister designated by the Lieutenant Governor in Council; R.S.C. 1952
c. 288

(d) for acquiring alternative headquarters for the metropolitan government outside the Metropolitan Area;

(e) for designating evacuation routes and empowering members of the Metropolitan Police Force to require persons to use such routes;

(f) for obtaining and distributing emergency materials, equipment and supplies; and

(g) for complying with any request of the Government of Canada or Ontario in the event of a nuclear attack.

R.S.O. 1960,
c. 260, s. 271
subs. 1,
amended

18. Subsection 1 of section 271 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "Corporation" in the first line "or an area municipality", so that the subsection, exclusive of the clauses, shall read as follows:

Municipal
buildings

- (1) The Metropolitan Corporation or an area municipality, or the Metropolitan Corporation and one or more area municipalities,

Treasurer
authorized
to purchase
subway
debentures

19.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council, may from time to time purchase debentures of The Municipality of Metropolitan Toronto the issue of which is authorized by clause *b* of section 1 of an order of the Ontario Municipal Board, dated the 6th day of June, 1961, on file P.F.E. 287-58, in any amounts not exceeding in the aggregate \$60,000,000.

Moneys

- (2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

20.—(1) This Act, except subsection 2 of section 4 and sections 5, 6, 8, 13 and 18, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 6 shall be deemed to have come into force on the 1st day of January, 1960.

Idem

- (3) Section 18 shall be deemed to have come into force on the 1st day of July, 1961.

Idem

- (4) Subsection 2 of section 4 and sections 5 and 13 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

- (5) Section 8 comes into force on the 1st day of July, 1962

Short title

21. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*.

SECTION 18. The amendment is to make it clear that an area municipality may erect a municipal building where a large percentage of the space in the building will be used by the Metropolitan Corporation.

SECTION 19. Self-explanatory.

THE UNIVERSITY OF CHICAGO

be understood by having in mind the
of the University of Chicago



(1)

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

March 29th, 1962

2nd Reading

April 5th, 1962

3rd Reading

MR. CASS

(Reprinted as amended by the
Committee on Municipal Law)

BILL 139

**3RD SESSION, 26TH LEGISLATURE, ONTARIO
10-11 ELIZABETH II, 1961-62**

An Act to amend The Municipality of Metropolitan Toronto Act

MR. CASS

BILL 139

1961-62

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “or” in the eighth line and by adding at the end thereof “a successor of any of them or a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows: R.S.O. 1960,
c. 260, s. 1,
cl. *a*,
amended

(a) “area municipality” means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, a successor of any of them or a municipality that comes into being by the union of two or more such municipalities.

(2) Clause *i* of the said section 1 is amended by striking out “and” in the eighth line and by adding at the end thereof “the successor of any of them and a municipality that comes into being by the union of two or more such municipalities”, so that the clause shall read as follows: R.S.O. 1960,
c. 260, s. 1,
cl. *i*,
amended

(i) “Metropolitan Area” means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston, the Township of York, the successor of any of them and a municipality that comes into being by the union of two or more such municipalities.

R.S.O. 1960,
c. 260, s. 4,
subs. 2,
amended

2.—(1) Subsection 2 of section 4 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to subsection 2a", so that the subsection shall read as follows:

Day for
polling

(2) Subject to subsection 2a, the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

R.S.O. 1960,
c. 260, s. 4,
amended

(2) The said section 4 is amended by adding thereto the following subsection:

Time for
polling

(2a) The Metropolitan Council may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the polls so that they will remain open for not less than eight consecutive hours between 8 o'clock in the morning and 9 o'clock in the evening, and any such by-law remains in force from year to year until repealed.

R.S.O. 1960,
c. 260, s. 5,
amended

3.—(1) Section 5 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections:

Right of
area muni-
cipalities
to appoint
additional
members
after union
of muni-
cipalities,
etc.

(1a) Where by reason of the union of two or more area municipalities, or for any other reason, the number of the members of the Metropolitan Council is reduced, the Metropolitan Council may grant to one or more area municipalities the right to appoint one or more additional members, equal in number to the reduction that has occurred, as members of the Metropolitan Council, and, failing such grant by the Metropolitan Council within one month from the time the reduction has occurred, the Lieutenant Governor in Council may grant such right, provided always that the number of members of the Metropolitan Council from the City of Toronto shall be equal to the number of members from the other area municipalities.

First
appoint-
ment of
members

(1b) Where an area municipality has been granted the right to appoint an additional member or members, the council of the area municipality, within fifteen days after being notified of such right, shall appoint one or more of its members to fill the vacancies created by the grant of such right.

Subsequent
appoint-
ments

(1c) After the first appointment of a member or members under subsection 1b, the additional member or members shall thereafter be appointed by the council of the area municipality at its first meeting after the election of the council in any year.

- (1d) The members of the Metropolitan Council appointed under subsection 1b or 1c shall hold office while they are members of the council of the area municipality that appointed them and until their successors are appointed. Term of office

- (2) Subsection 4 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 4, re-enacted

- (4) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Election of chairman

- (3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 5, subs. 6, re-enacted

- (6) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section. Adjournment

4.—(1) Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as amended by subsection 1 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by striking out "and 275 to 280" in the second line and inserting in lieu thereof "275 to 280, paragraph 61 of section 377 and section 406a", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 1, amended

- (1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, paragraph 61 of section 377 and section 406a of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249

(2) Subsection 2 of the said section 17, as enacted by subsection 2 of section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is amended by striking out "and 198a" in the first line and inserting in lieu thereof "198a and 198b", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 2 (1960-61, c. 61, s. 1, subs. 2), amended

Idem
R.S.O. 1960,
c. 249

- (2) Sections 190, 198a and 198b of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

R.S.O. 1960,
c. 260, s. 24,
subs. 3,
amended

5.—(1) Subsection 3 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "thereof" in the third line "a local board of the Metropolitan Corporation", so that the subsection shall read as follows:

Pensions

- (3) Where the Metropolitan Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, a local board of the Metropolitan Corporation, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein or the local board of the Metropolitan Corporation has entered into an agreement under clause *d* of subsection 2.

R.S.O. 1960,
c. 260, s. 24,
subs. 5,
amended

- (2) Subsection 5 of the said section 24 is amended by striking out "thereof" in the seventh line and in the thirteenth line, so that the subsection shall read as follows:

Accrued
benefits
under
former plan

- (5) Upon such election or upon such an agreement being entered into and such an employee becoming a member of the pension plan established by the Metropolitan Corporation, he or his beneficiaries are entitled on termination of his services with the Metropolitan Corporation or a local board thereof to all benefits under the pension plan of the area municipality, or of a local board, or of the County of York or of the Toronto and York Roads Commission accrued up to the date of his becoming a member of the Metropolitan Corporation pension plan, and his employment by and service with the Metropolitan Corporation or a local board thereof.

shall be deemed to be employment by and service with the respective area municipality, or local board, or the County of York or the Toronto and York Roads Commission for the purpose of determining eligibility for any such accrued benefits.

(3) Subsection 6 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 24,
subs. 6,
amended

(6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Sick leave
credits

(4) Subsection 7 of the said section 24 is amended by inserting after "thereof" in the third line "or a local board of the Metropolitan Corporation", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 24,
subs. 7,
amended

(7) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or a local board of the Metropolitan Corporation or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission. Holidays

6. Section 35 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 35,
amended

Rates for
commercial
property
added to
roll
R.S.O. 1960,
c. 23

- (3) Where the amount of a business assessment is entered in the collector's roll of an area municipality under clause *c* of subsection 1 of section 53 of *The Assessment Act*, the real property with respect to which such business assessment is computed is, for the number of months remaining in the current year after the month in which the notice provided for in subsection 4 of the said section 53 is delivered or sent, liable to taxation at the rate levied under clause *a* of subsection 4 of section 231, and the clerk of the municipality shall amend the collector's roll accordingly, and, where taxes are levied under the authority of this subsection, they shall be deemed to be taxes levied under section 53 of *The Assessment Act*.

R.S.O. 1960,
c. 260, s. 37,
amended

7. Section 37 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Assessment
appeals by
Metro-
politan
School
Board
R.S.O. 1960,
c. 23

- (2) For the purposes of sections 27, 72, 75 and 83 of *The Assessment Act*, "school board" includes The Metropolitan School Board and an agent thereof.

R.S.O. 1960,
c. 260,
amended

8. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Signal-light
traffic
control
systems

87a.—(1) Subject to *The Highway Traffic Act*, the Metropolitan Corporation may,

- (a) install signal-light traffic control systems on any highway in the Metropolitan Area;
- (b) operate all signal-light traffic control systems heretofore or hereafter installed in the Metropolitan Area;
- (c) control its signal-light traffic control systems by electronic computers; and
- (d) regulate traffic on highways in the Metropolitan Area within 100 feet of any signal-light traffic control system and for such purpose the Metropolitan Corporation is deemed to be a municipality under section 108 of *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Conflict
with area
by-laws

- (2) When a by-law passed under subsection 1 regulating traffic on any part of a highway in the Metropolitan Area is in force, any by-law passed by an area municipality that conflicts therewith has no effect to the extent of such conflict.

- (3) No area municipality may, after the day this section comes into force, install or operate signal-light traffic control systems in the Metropolitan Area. Area municipalities not to operate signal systems
- (4) All signal-light traffic control systems installed on highways in the Metropolitan Area are vested in the Metropolitan Corporation, and no compensation therefor shall be paid by the Metropolitan Corporation to any area municipality. Signal-lights vested in Metropolitan Corporation

9. Clause *c* of subsection 1 of section 116 of *The Municipality of Metropolitan Toronto Act* is amended by adding at the commencement thereof "Subject to section 116a", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 116, subs. 1, cl. c, amended

- (c) Subject to section 116a, to fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

10. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960 c. 260, amended

116a. Subject to the approval of the Municipal Board, the Metropolitan Corporation may contribute to the capital costs of the Commission. Metropolitan Corporation contributions to capital costs

11. Section 135 of *The Municipality of Metropolitan Toronto Act*, as amended by section 4 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 135, amended

- (7) Where a board of education within the Metropolitan Area admits, to a public school for the fall term, a pupil whose parent or guardian is a separate school supporter who has, on or before the 14th day of October, taken the steps necessary to become a public school supporter in the following year, the school board shall make a maintenance assistance payment on behalf of the child as if he were a resident pupil as defined in clause *a* of subsection 1. Pupils of separate school supporters

12. Section 177 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "the City of Toronto" in the fourteenth line and inserting in lieu thereof "Metropolitan Toronto", so that the section shall read as follows: R.S.O. 1960, c. 260, s. 177, amended

Metro-
politan
Council to
provide
accommoda-
tion, etc.

177. The Metropolitan Council has the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for Metropolitan Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172 of *The Municipality of Metropolitan Toronto Act, 1953*.

1953, c. 73

R.S.O. 1960,
c. 260, s. 226,
amended

- 13.** Section 226 of *The Municipality of Metropolitan Toronto Act*, as amended by section 10 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Bus system
on Toronto
Islands

- (8) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may,
- (a) maintain and operate buses for the conveyance of passengers;
 - (b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and
 - (c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system.

R.S.O. 1960,
c. 260, s. 236,
subs. 4
(1960-61,
c. 61, s. 12),
re-enacted

- 14.** Subsection 4 of section 236 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, is repealed and the following substituted therefor:

- (4) The Municipal Board may direct that an applicant ^{Idem} give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

15.—(1) Subsection 38 of section 238 of *The Municipality of Metropolitan Toronto Act* is repealed and the following ^{R.S.O. 1960, c. 260, s. 238, subs. 38, re-enacted} substituted therefor:

- (38) Notwithstanding this or any other Act or by-law, ^{Where amount in sinking fund account more than sufficient to pay debt} if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Metropolitan Council, the council of an area municipality, The Metropolitan School Board or a board of education in the Metropolitan Area may authorize the Metropolitan Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(2) Subsection 40 of the said section 238 is repealed and ^{R.S.O. 1960, c. 260, s. 238, subs. 40, re-enacted} the following substituted therefor:

- (40) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,
- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
 - (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:
 - (i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,

- (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan School Board for public schools, The Metropolitan School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

R.S.O. 1960,
c. 260,
amended

16. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Use of
proceeds of
sale of
asset
acquired
from
proceeds
of sale of
debentures

249a. Where real or personal property acquired out of moneys received by the Metropolitan Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 249 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

R.S.O. 1960,
c. 260, s. 255,
subs. 1,
amended

17.—(1) Subsection 1 of section 255 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “and paragraphs 3, 21 and 22” in the second line and inserting in lieu thereof “section 248b and paragraphs 3 and 22”, so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 249

- (1) Section 5, Parts XV, XVI, XVII and XXI, section 248b and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

(2) Subsection 3 of the said section 255 is amended by striking out "section" in the second line and inserting in lieu thereof "sections 11 and", so that the subsection shall read as follows: R.S.O. 1960,
c. 260, s. 255,
subs. 3,
amended

(3) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, sections 11 and 14 of *The Municipal Act*. Annexations
and amal-
gamations
R.S.O. 1960,
c. 249

(3) The said section 255 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 255,
amended

(8a) When a by-law passed under clause *a* of subsection 8 is in force, the Metropolitan Council may pass by-laws, Powers of
Metro-
politan
Council re
emergency
measures

(a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of the Metropolitan Toronto Emergency Measures Organization or any committee thereof;

(b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the Metropolitan Toronto Emergency Measures Organization;

(c) for appointing members of the Metropolitan Toronto Emergency Measures Organization, or of any committee thereof, to be in charge of such departments or utilities throughout the Metropolitan Area as the by-law may provide when an emergency has been proclaimed under the *War Measures Act* (Canada) or by a Minister designated by the Lieutenant Governor in Council; R.S.C. 1952
c. 288

(d) for acquiring alternative headquarters for the metropolitan government outside the Metropolitan Area;

(e) for designating evacuation routes and empowering members of the Metropolitan Police Force to require persons to use such routes;

(f) for obtaining and distributing emergency materials, equipment and supplies; and

(g) for complying with any request of the Government of Canada or Ontario in the event of a nuclear attack.

R.S.O. 1960,
c. 260, s. 271
subs. 1,
amended

18. Subsection 1 of section 271 of *The Municipality of Metropolitan Toronto Act* is amended by inserting after "Corporation" in the first line "or an area municipality", so that the subsection, exclusive of the clauses, shall read as follows:

Municipal
buildings

- (1) The Metropolitan Corporation or an area municipality, or the Metropolitan Corporation and one or more area municipalities,

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Treasurer
authorized
to purchase
subway
debentures

19.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council, may from time to time purchase debentures of The Municipality of Metropolitan Toronto the issue of which is authorized by clause *b* of section 1 of an order of the Ontario Municipal Board, dated the 6th day of June, 1961, on file P.F.E. 287-58, in any amounts not exceeding in the aggregate \$60,000,000.

Moneys

- (2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

20.—(1) This Act, except subsection 2 of section 4 and sections 5, 6, 8, 13 and 18, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 6 shall be deemed to have come into force on the 1st day of January, 1960.

Idem

- (3) Section 18 shall be deemed to have come into force on the 1st day of July, 1961.

Idem

- (4) Subsection 2 of section 4 and sections 5 and 13 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

- (5) Section 8 comes into force on the 1st day of July, 1962

Short title

21. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*.



BILL 139

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

March 29th, 1962

2nd Reading

April 5th, 1962

3rd Reading

April 17th, 1962

MR. CASS

